



Order F26-07

qathet Regional District

Carol Pakkala
Adjudicator

January 28, 2026

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Summary: An applicant requested access, under the *Freedom of Information and Protection of Privacy Act* (FIPPA), to records related to himself. qathet Regional District (Regional District) disclosed some responsive records and withheld information under various sections of FIPPA. The adjudicator found the Regional District was authorized, under ss. 12(3)(b), 13(1), and 14, to withhold some, but not all, of the information at issue. The adjudicator also found the Regional District was required to withhold some, but not all, of the information at issue under s. 22(1). The adjudicator ordered the Regional District to disclose the information it was not authorized or required to withhold.

Statutes Considered: *Community Charter*, SBC 2003 c. 26; *Freedom of Information and Protection of Privacy Act*, RSBC 1996 c 165, ss. 12(3)(b), 13(1), 13(2)(a), 14, 17(1), 17(1)(b), 22(1), 22(2), 22(3)(d), 22(4)(e).

INTRODUCTION

[1] An individual (applicant) who previously worked with the qathet Regional District (Regional District) requested access to records related to himself.

[2] The Regional District provided the applicant with responsive records but withheld some information under ss. 12(3)(b) (local public body confidences), 13 (advice or recommendations), 14 (solicitor client privilege), 15 (harm to law enforcement), 17 (harm to financial or economic interests), 19 (harm to individual or public safety), 21 (harm to third party business interests), and 22 (harm to personal privacy) of the *Freedom of Information and Protection of Privacy Act* (FIPPA).¹

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

[3] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review the Regional District's decision. The OIPC's investigation and mediation process did not resolve the issues, and the matter proceeded to this inquiry.

[4] Prior to this inquiry, the Regional District removed its reliance on ss. 19 and 21.² Therefore, ss. 19 and 21 are not at issue, and I will not consider those sections any further.

[5] Both parties provided written submissions in this inquiry.

ISSUES AND BURDEN OF PROOF

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

1. Sections 12(3)(b), 13(1), 14, 15(1)(l), and 17(1)(b) authorize the Regional District to refuse to withhold the information at issue.
2. Section 22(1) requires the Regional District to withhold the information at issue.

[7] Section 57 sets out who has the burden of proving that an applicant should or should not be given access to a particular piece of information. The Regional District has the burden of proving it is authorized to withhold the information in dispute under ss. 12(3)(b), 13, 14, 15(1)(l), and 17(1).

[8] The applicant has the burden of proving that the disclosure of personal information the Regional District has withheld under s. 22 would not be an unreasonable invasion of third party personal privacy.³ However the Regional District also has the initial burden of proving the information at issue under s. 22 is personal information.⁴

DISCUSSION

Background

[9] An individual applicant (applicant) formerly worked at the qathet Regional District (Regional District). During his time at the Regional District, the applicant filed a workplace behaviour complaint (the Complaint).

[10] The Regional District retained an external consultant (Investigator) to investigate the Complaint. The Investigator conducted an investigation

² OIPC Fact Report at para 9.

³ FIPPA, s. 57(2).

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

(Investigation) which included reviewing the Complaint, gathering information, conducting witness interviews, and writing a report about his findings (Report).

[11] The applicant subsequently filed a workers compensation complaint about the workplace behaviour and the Regional District's response.

Records and information at issue

[12] The responsive records total 6046 pages. The Regional District withheld information from approximately 4386 of those pages, including entire pages. The records include emails, reports, invoices, logs, agendas, minutes, forms, ledgers, lists, tax information, and a variety of documents related to education and training.

[13] The Regional District provided the records in three packages for the purposes of this inquiry. Records Package 1 is 3799 pages (RP1), Records Package 2 is 1349 pages (RP2), and Records Package 3 is 898 pages (RP3).

Preliminary Matters

Information in dispute

[14] After conducting a preliminary review of the information in dispute and the submissions of the parties, I could see that some of the withheld information may not be of interest to the applicant. For this reason, I wrote and asked for clarification about that information.⁵

[15] In response to my letter, the applicant narrowed the information to which he seeks access. The applicant specified that he did so on the basis of the Regional District's description of that information being accurate.⁶ I reviewed this information with the Regional District's descriptions in mind. I confirm the Regional District's descriptions accurately describe the information I can see in the records.

[16] The applicant identified the specific information no longer at issue. I note that all of the information being withheld under s.15(1)(l)⁷ is information that the applicant says he does not want. For this reason, I conclude that s. 15(1)(l) is no longer at issue in this inquiry and will not consider it further.

⁵ Adjudicator's letter to the parties dated December 4, 2025.

⁶ Applicant's email to the OIPC dated December 15, 2025.

⁷ See Appendix A to this Order for the s. 15(1)(l) information no longer at issue.

[17] The applicant also indicated that he does not seek access to some of the information withheld under ss. 17(1)(b)⁸ and 22.⁹ I consider this information is similarly no longer at issue and will not consider it in my analysis of the Regional District's application of those sections below.

Inadvertent disclosure

[18] The Regional District says it inadvertently left unredacted a Canada Revenue Agency (CRA) number. The Regional District says it withheld that number and similar CRA information in numerous other places in the records.¹⁰ I need not consider the Regional District's arguments about this inadvertent disclosure because the applicant no longer seeks access to that information.

Additional application of sections 13(1), 14, 15(1), and 22(1)

[19] The Regional District says that in preparation for this inquiry it determined it was authorized or required to refuse to disclose the information in dispute under additional FIPPA exceptions. The Regional District says it does not seek to rely on new sections of FIPPA but instead seeks to expand its reliance on the sections it already applied elsewhere in the records.¹¹ For example, the Regional District withheld certain information under s. 22(1) and now says that s. 13(1) also applies to that information.

[20] Specifically, the Regional District seeks to add s. 15(1)(l) to 14 pages, s. 13(1) to 322 pages, and s. 22(1) to 305 pages, where information was already withheld under the other sections at issue in this inquiry.

[21] For the reasons that follow, and with one exception, I decline to consider the additional application of those sections to the information at issue. The exception is where the Regional District seeks to add s. 22(1). Section 22(1) is a mandatory exception to disclosure, which means if it applies, the Regional must withhold this information.

[22] The Regional District considered the applicant's access request over a full six month period.¹² During that time, it presumably turned its mind to the substance of the FIPPA sections at issue in this inquiry because it applied those sections to withhold information from 4386 pages of records. I cannot see, and the Regional District does not say, how it simply neglected to apply the sections it now asks me to also consider, to information on 641 of those pages.

⁸ See Appendix A to this Order for the s. 17(1)(b) information no longer at issue.

⁹ See Appendix A to this Order for the s. 22(1) information no longer at issue.

¹⁰ Regional District's initial submission at para 20.

¹¹ Regional District's initial submission at paras 25-27.

¹² Whether this response time complied with FIPPA's requirements is not relevant here.

[23] The volume of records and amount of severing is already significant without having to add an extra layer of review and cross referencing at this late stage in the process. This situation is not one where there are new relevant facts that came into existence or were discovered after the Regional District's original decision on the access request. My role is to review whether that access decision complies with FIPPA. A public body cannot simply change or backfill its access decisions whenever it likes—for whatever reason or no reason.¹³ This decision not to allow the Regional District to alter its access decision is an exercise of my authority to control the inquiry process.¹⁴

Failure to disclose and adequate search

[24] In his submission, the applicant says several things under two separate headings called "Failure to Disclose" and "Procedural Fairness". I understand the applicant's position here is about both the records he did and did not receive from the Regional District.

[25] On the records he did receive, the applicant says it was a large physical copy with mixed, unnumbered pages and things missing.¹⁵ The applicant also says the Regional District provided him with only a summary of the records, while providing the OIPC with the full records. The applicant says this difference is an imbalance that undermines fairness.¹⁶ The applicant says he should get a digital copy of the full disclosure with identifiers to ensure completeness.

[26] The Regional District says it provided a full copy of the (unredacted) responsive records to the OIPC, and a full copy of same (redacted) responsive records to the applicant.¹⁷

[27] In my view, the applicant has confused the terms "summary of the records" with "severed records". I appreciate that redacted records packages, particularly of such significant volume, can be confusing. I am satisfied however, by his own statements, that the applicant received severed records, not a summary of records. I see no evidence of unfairness.

[28] On the records he did not receive, the applicant says he is entitled to his personal information in his personnel file, and that there is information missing. This submission is about the adequacy of the Regional District's search for records. The adequacy of the Regional District's search for records in response

¹³ Decision F07-03, 2007 CanLII 30393 (BC IPC) at para 29.

¹⁴ Decision F07-03, 2007 CanLII 30393 (BC IPC) at para 31.

¹⁵ Applicant's submission, p. 4.

¹⁶ Applicant's submission, p. 6.

¹⁷ Regional District's reply submission at para 5.

to the applicant's access request was previously addressed in separate OIPC proceedings.¹⁸ For this reason, I will not consider it further here.

Content of submissions

[29] The applicant objects to what he describes as prejudicial material in the Regional District's submission. He says this material is designed to undermine his character. He specifically refers to the Regional District presenting information as facts while omitting crucial context and details about an unrelated workplace incident that occurred approximately five years prior to his access request. The applicant says I should strike these portions of the Regional District's submission.¹⁹

[30] The Regional District expressly denies the applicant's allegation that any background facts in its submission were included with the intent to undermine the applicant's character. The Regional District's position is that the background facts provide relevant context for the Regional District's reasoning for its application of FIPPA to the responsive records.²⁰

[31] The applicant is correct that submissions should be limited to the issues directly relevant to the inquiry. Introducing extraneous or prejudicial information risks undermining procedural fairness.²¹ In my view though, the Regional District's submission does not contain extraneous or prejudicial information.

[32] The background information provided by the Regional District is about the workplace. I recognize its place as context for the workplace issues. My role, however, is not to decide the merits of the workplace issues and I formed no opinion on those issues, nor on the character of the applicant. I will only consider the portions of the submissions relevant to the FIPPA issues I must decide in this inquiry.

Section 14 evidence received in camera

[33] The Regional District produced the s. 14 information for review in this inquiry. After conducting a preliminary review of these records, I remained unclear about how s. 14 might apply to the entirety of RP3. For this reason, and given the importance of solicitor client privilege to the legal system as a whole, I invited the Regional District to provide additional evidence.²²

¹⁸ OIPC Fact Report at para 5.

¹⁹ Applicant's submission, p. 7.

²⁰ Regional District's reply submission at para 16.

²¹ Applicant's submission, p. 6.

²² Adjudicator's letter to the parties dated December 4, 2025.

[34] The Regional District provided an affidavit from a lawyer with an exhibit (i.e., a table of records describing the s. 14 records) and asked that portions of both be accepted on an *in camera* basis. The applicant objected to this *in camera* request on the grounds of procedural unfairness. For the reasons that follow, I approved the Regional District's request to provide this additional s. 14 evidence *in camera*.

[35] Section 56(2) permits the OIPC to conduct an inquiry in private. Section 56(4) gives the OIPC the discretion to decide whether a hearing proceeds orally or in writing and whether a person is entitled "to have access to or comment on representations made to the commissioner by another person." These provisions provide the OIPC with the ability to receive inquiry material *in camera*.

[36] *In camera* materials are ones that the adjudicator can see but the applicant cannot. The nature of *in camera* material is that it restricts the applicant's ability to fully respond to the Regional District's submissions. When considering an *in camera* application, an adjudicator must balance a party's ability to fully present their case with the other party's ability to know and respond to the materials being considered by the Commissioner or his delegate.

[37] Fairness requires that the OIPC provide clear and intelligible reasons and *in camera* materials constrain the OIPC's ability to do so. Therefore, the OIPC exercises the discretion to accept *in camera* material sparingly and only to the extent necessary to ensure fairness.

[38] The applicant says that accepting portions of the additional s. 14 evidence *in camera* is unfair for two reasons. First, the applicant says accepting *in camera* materials is inconsistent with the principles that the OIPC is required to uphold. He says those principles are openness, transparency, and fairness in the adjudicative process. He further says *in camera* submissions are an exception to the ordinary rule of disclosure and are permitted only in exceptional or justified circumstances, none of which have been established here.²³ Second, the applicant says he objects to the delay caused by my having to consider the Regional District's *in camera* application.

[39] The BC Supreme Court recently considered the fairness of the OIPC allowing *in camera* material. The court said it is not procedurally unfair because the process created by the Commissioner establishes criteria to guide the analysis. Part of that analysis is to assess the negative impact on the ability of a party who does not receive the information to meet the case against them.²⁴

²³ Applicant's email to the OIPC dated December 19, 2025.

²⁴ *Cimolai v British Columbia (Information and Privacy Commissioner)*, 2024 BCSC 948 (CanLII), at para 32.

I assessed that impact and I am satisfied that allowing *in camera* material does not negatively impact on the applicant's ability to respond to the s. 14 submissions.

[40] The applicant says accepting this evidence *in camera* deprives him of a fair opportunity to know and answer the Regional District's case. I can see that the additional s. 14 evidence contains material that would itself be privileged under s. 14. For that reason, I found it appropriate to accept portions of the additional affidavit and the table of records *in camera*.

[41] The rest of the additional affidavit evidence, which remains open, was not previously available to the applicant, so I gave the applicant the opportunity to respond and he did so. On balance, I find the applicant's ability to respond on the s. 14 issue was improved rather than unfairly impacted by the *in camera* process.

[42] In addition, I find that inviting this additional s. 14 evidence and then deciding if parts of it could be *in camera* has not unduly delayed the outcome of this inquiry. The *in camera* decision took little time and I continued to conduct my line-by-line review of the rest of the disputed records while waiting for the additional s. 14 evidence.

[43] For all of the above reasons, I am satisfied that the applicant was not prejudiced by my receipt of additional s. 14 evidence *in camera*. I am also satisfied that I now have sufficient evidence to decide the s. 14 issue. The additional evidence provided me with a better understanding of the context in which it is alleged that legal advice privilege applies. This context allows me to better assess the records which I can see.

Solicitor client privilege - s. 14

[44] The Regional District relies on s. 14 to withhold snippets of information in emails in RP2 and all of the information in RP3.²⁵

[45] Section 14 allows a public body to refuse to disclose information that is subject to solicitor client privilege. The term "solicitor client privilege" in s. 14 encompasses both legal advice privilege and litigation privilege.²⁶ The Regional District relies on legal advice privilege.²⁷

²⁵ The s. 14 severing in RP2 is on pp. 98, 100, 674, 679, 718, 719, 823, 827, 829, 1264, 1265, 1269, 1270, 1273, 1274, 1276, 1277, and 1282-1284.

²⁶ *College of Physicians of BC v. British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 [College] at para 26.

²⁷ Regional District's initial submission at para 90.

Legal advice privilege

[46] Legal advice privilege promotes full and frank disclosure between solicitor and client, thereby promoting “effective legal advice, personal autonomy (the individual’s ability to control access to personal information and retain confidences), access to justice and the efficacy of the adversarial process.”²⁸

[47] Legal advice privilege attaches to communications that:

- are between a solicitor and their client,
- entail the seeking or giving of legal advice, and
- are intended by the parties to the communication to be confidential.²⁹

[48] Not every communication between a solicitor and client is privileged merely because it is a communication between those parties, but if the above three conditions exist, legal advice privilege applies.³⁰

[49] In addition to the communications set out above, legal advice privilege also applies to the “continuum of communications” related to the seeking and giving of legal advice, including the information furnished by the client to the lawyer as part of seeking legal advice and to internal client communications that comment on the legal advice received and its implications.³¹

Evidence – s. 14

[50] To support its privilege claim, the Regional District provides affidavit evidence from its General Manager of Corporate Administration and Corporate Officer (General Manager). The Regional District also provides an affidavit from a lawyer. Exhibit “B” to his affidavit is a Table of Records describing the s. 14 information.

[51] The applicant says I should give little or no weight to the affidavit of the General Manager. The applicant says affidavit evidence from individuals directly implicated, like the General Manager, are inherently biased.³² The applicant says the General Manager is a staff member who is both named and implicated in the information request and is therefore inherently biased.³³

²⁸ *College* at para 30.

²⁹ *Solosky v. The Queen*, 1979 CanLII 9 (SCC), [1980] 1 SCR 821 [*Solosky*] at p. 837.

³⁰ *Solosky* at p. 829.

³¹ *Bilfinger Berger (Canada) Inc v. Greater Vancouver Water District*, 2013 BCSC 1893 at paras 22-24.

³² Applicant’s submission, p. 4 relying on *Committee for Justice and Liberty et al. v. National Energy Board et al.*, [1978] 1 S.C.R. 369.

³³ Applicant’s submission, p. 4.

[52] The Regional District denies the allegation of bias and says the applicant offers no evidence in support of it.³⁴ For the reasons that follow, I agree.

[53] The General Manager swears she is responsible for administering access requests under FIPPA.³⁵ In other words, it is part of her job. I understand the applicant to be saying this makes her evidence biased. I am not swayed by this argument.

[54] Affidavits from employees of public bodies are routinely used in OIPC inquiries. The weight to be given to such evidence depends on all of the information before the adjudicator.

[55] From my review of the General Manager's affidavit and the records, I see no evidence of bias. Instead, I find her evidence is consistent with what I see in the records. I therefore give weight to the General Manager's affidavit in my analysis below.

[56] The applicant also says there is no factual foundation (i.e., evidence) to assess the privilege claim.³⁶ Specifically, he says the Regional District has not explained who created each record, when it was created, the purpose for which it was created, whether legal counsel was involved, or how the content relates to the seeking or giving of legal advice.

[57] The records themselves are evidence in this inquiry. The affidavit evidence provides details further explaining those records. As I can see all of the records, I find I do have the factual foundation to assess the privilege claim.

Parties' submissions - s. 14

[58] The Regional District says it sought and received legal advice from a lawyer (Lawyer) in relation to the applicant's Complaint, the Investigation, the Report, and the various stages in the applicant's WorkSafe BC claims.³⁷

[59] The Regional District says the s. 14 information consists of:

- requests for legal advice (and providing information necessary for the provision of the advice);
- the provision of legal advice;
- internal discussions of the legal advice; and

³⁴ Regional District's reply submission at para 5.

³⁵ General Managers affidavit at para 2.

³⁶ Applicant's additional submission, p. 2.

³⁷ Regional District's initial submission at para 86.

- information that would allow for an accurate inference to be made about privileged information that was provided by legal counsel.³⁸

[60] The applicant says privilege is an exception to the general right of access and must be interpreted narrowly. The applicant also says the Regional District has not met its burden of proof, cannot simply say a record is privileged, and cannot make a blanket claim over an entire package of records (RP3).³⁹

[61] The Regional District disagrees that it applied s. 14 in a blanket fashion. The Regional District says it outlined with specificity the nature and subjects of the legal advice sought and received, and the type of materials withheld under section 14. The Regional District says that to require further detail as to the content would reveal the substance of the privileged information being withheld.⁴⁰

Analysis - s. 14

[62] For the reasons that follow, I find that legal advice privilege applies to some, but not all, of the information the Regional District withheld under s. 14. I address the application of s. 14 to the two records packages (RP2 and RP3) below after providing the overall contextual analysis.

[63] The General Manager's evidence is that the Regional District retained the Lawyer to provide legal advice regarding a workplace issue.⁴¹ I give full weight to this evidence because it is uncontradicted and is consistent with what I see in the records. I find that the Regional District and the Lawyer were in a solicitor client relationship.

[64] Based on what I see in the records I am also satisfied that the Investigator had the authority to request and receive legal advice from the Lawyer on the Regional District's behalf for the purposes of the Investigation. I cannot say more without revealing the information in dispute.

[65] Privilege extends to communications involving a third party who is performing a function, on a client's behalf, which is integral to the relationship between solicitor and client.⁴²

³⁸ Regional District's initial submission at paras 87, 88, 92, 93 and 94.

³⁹ Applicant's submission, p. 3 relying on *Canada v. Solosky*, 1979 CanLII 9 (SCC) and Order F10-23, 2010 BCIPC 34 (CanLII). Order F10-23 does not address s. 14 so I will consider it no further.

⁴⁰ Regional District's reply submission at para 24.

⁴¹ General Manager's affidavit at para 35.

⁴² Order F21-61, 2021 BCIPC 70 at para 25 citing *College of Physicians of B.C. v. British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 at para 50; *General Accident Assurance Co. v. Chrusz*, 1999 CanLII 7320 (ON CA) (cited to CanLII), p. 46; and *Bank of Montreal v. Tortora*, 2010 BCSC 1430 at para 15.

[66] I find that in the context of the communications at issue in RP2 and RP3, the Investigator was performing a function on behalf of the Regional District which was integral to the relationship between solicitor and client.

RP3 – s. 14

[67] The applicant says the Regional District cannot apply a blanket claim of privilege over the records. I understand this to be a reference to RP3 which was completely withheld under s. 14.

[68] Before exercising its discretion to refuse to disclose information, the Regional District is obliged to consider whether each discrete record in RP3 was protected by privilege. If the Regional District applied s. 14 in a blanket fashion to RP3, it would be contrary to this obligation. However, I will not decide whether that is what took place because it serves no meaningful purpose. I can see all of the records in RP3, and I consider the application of s. 14 to each of them.

[69] The records in RP3 consist of email communications and attachments to emails. The emails fall into three types: emails between senior staff at the Regional District and the Lawyer, emails between just senior staff, and emails between the senior staff and the Investigator.

[70] I can see that the emails between the senior staff at the Regional District and the Lawyer contain requests for legal advice, the provision of legal advice, and information necessary to inform the provision of that advice about workplace issues. Some of these emails do not contain legal advice but would allow for an accurate inference to be made about legal advice.

[71] I find the emails between senior staff at the Regional District and the Lawyer are communications made for the purpose of seeking or giving legal advice. Therefore, I find the first and second steps of the privilege test are met for the emails between senior staff and the Lawyer.

[72] I further find the communications amongst the senior staff at the Regional District and between the senior staff and the Investigator are discussions and comments about the Lawyer's legal advice so reveal that advice. Therefore, I find the first and second steps of the privilege test are also met for these emails.

[73] The third step of the privilege test is that the communications were intended to be confidential. From both the context provided by the records and from the specific details of the communications, I am satisfied they were intended to be confidential.

[74] The context of the communications is a sensitive workplace matter. The affidavit evidence establishes that the senior staff (whose names and positions

are identified in the records) worked together and with the Investigator to address this sensitive workplace matter. This evidence also establishes that the communications about this matter were confidential.⁴³

[75] I am satisfied that the communications discussed the Lawyer's legal advice about the workplace matter on the understanding that this advice would be held in confidence. I also see specific evidence of confidentiality in the records. I cannot say more without revealing the information in dispute.

[76] For all of the above reasons, I find the emails between and amongst senior staff at the Regional District, the senior staff and the Investigator, and those between the senior staff and the Lawyer would reveal information that is protected by legal advice privilege. Therefore, the Regional District is authorized to withhold these emails under s. 14.

[77] I turn now to the information in RP3 I find is not protected by legal advice privilege. This information consists of attachments to emails that are forwarded emails, as well as documents, reports, and an article. Section 22(1) applies to some of this information, so I consider it further in that analysis below.⁴⁴

[78] An attachment to an email may be privileged if it is an integral part of the communication to which it is attached and its disclosure would reveal the communications protected by legal advice privilege, either directly or by inference.⁴⁵

[79] An attachment to an email may be privileged on its own, independent of being attached to another privileged record if it satisfies the test for privilege. The party claiming privilege over an attachment must provide evidence supporting their claim.⁴⁶

[80] The courts have long recognized that a document does not become privileged merely because someone sent a copy of it to a lawyer.⁴⁷ As stated by Madam Justice Gray:

A lawyer is not a safety-deposit box. Merely sending documents that were created outside the solicitor-client relationship and not for the purpose of obtaining legal advice to a lawyer will not make those documents privileged.⁴⁸

⁴³ General Manager's affidavit at para 35 and lawyer's affidavit at para 8.

⁴⁴ RP3, pp. 488, 493-95, 549, and 796-803.

⁴⁵ Order F20-08, 2020 BCIPC 9 at para 27 and Order F18-19, 2018 BCIPC 22 at paras 36-40.

⁴⁶ Order F25-20, 2025 BCIPC 24 (CanLII) at para 23.

⁴⁷ *Keefer Laundry Ltd. v. Pellerin Milnor Corp.*, 2006 BCSC 1180 at para 61; *Humberplex Developments Inc. v. TransCanada Pipelines Ltd.*, 2011 ONSC 4815 at para 49; *Imperial Tobacco Canada Limited v. The Queen*, 2013 TCC 144 at para 57.

⁴⁸ *Keefer Laundry Ltd. V. Pellerin Milnor Corp.*, 2006 BCSC 1180 at para 61.

[81] All of the information I find is not protected by privilege exists independently, and was created outside, of the solicitor client relationship. In some instances, the information was forwarded to the Lawyer, but I still cannot see, and the Regional District does not say, how this information might reveal anything, or allow for inferences, about legal advice. It is unclear to me how privilege might apply.

[82] The Regional District withheld emails the applicant authored or received and where numerous individuals are copied.⁴⁹ These are clearly not confidential communications between a solicitor and their client, and they do not entail the seeking or giving of legal advice. These emails fail each step of the test for privilege and as such s. 14 does not apply to them.

[83] Similarly, the Regional District applied s. 14 to emails, forms, and reports related to the Regional District's and applicant's interactions with WorkSafeBC.⁵⁰ This information does not involve communications with the Lawyer or allow one to infer the content and substance of any privileged communications. I conclude these documents were created outside of the solicitor client relationship and not for the purpose of obtaining legal advice. The one exception is where the Regional District did seek legal advice about the drafting of a document.⁵¹ I find s. 14 does not apply to this information.

[84] Finally, the Regional District also withheld the applicant's personnel report,⁵² a confidentiality agreement with the applicant,⁵³ a request for decision report,⁵⁴ and an article about the necessary qualities for a position.⁵⁵ The Regional District does not adequately explain, and I cannot see, how legal advice privilege applies to this information. I find s. 14 does not apply to this information.

RP2 – s. 14

[85] The Regional District severed pieces of information from the email communications in RP2.⁵⁶ For the following reasons, I am satisfied that each of these pieces of information satisfy the test for legal advice privilege. These emails are between senior staff and the Lawyer and emails amongst senior staff.

[86] First, I can clearly see that this information consists of both direct communications, and ones which form part of the continuum of communications,

⁴⁹ RP3, pp. 414-420, 458, 478-84, 548, 552-58, 747-57, 804-12, 827-36, and 841-50.

⁵⁰ RP3, pp. 317-23, 410-13, 445-46, 464-77, 474-77, 486-87, 506-17, and 518-25.

⁵¹ RP3, pp. 329-36 and 356-64.

⁵² RP3, pp. 456-57.

⁵³ RP3, pp. 528-29, 538-39, 547, and 551.

⁵⁴ RP3, pp. 630-640.

⁵⁵ RP3, pp. 489-92 and 791-94.

⁵⁶ RP2, pp. 98, 100, 674, 679, 718, 719, 823, 827, 829, 1264, 1265, 1269, 1270, 1273, 1274, 1276, 1277, and 1282-1284.

between solicitor and client. Second, they are about the seeking, giving, and internal discussion of legal advice. Third, it is clear to me the parties intended these communications to be confidential. I cannot say more without revealing that disputed information. I am satisfied that legal advice privilege applies to all of these pieces of information.

Conclusion - s. 14

[87] For the reasons outlined above, I find that s. 14 applies to some, but not all, of the information withheld from RP2 and RP3. Some of the information I find the Regional District is not authorized to refuse to disclose under s. 14 was withheld under s. 22(1) so I will also consider it further below.⁵⁷

Local public body confidences, s. 12(3)(b)

[88] The Regional District relies on s. 12(3)(b) to withhold information from agendas, minutes, reports, and correspondence.

[89] Section 12(3)(b) is a discretionary exception that allows a public body to refuse to disclose information that would reveal

(b) the substance of deliberations of a meeting of its elected officials or of its governing body or a committee of its governing body, if an Act or a regulation under this Act authorizes the holding of that meeting in the absence of the public.

[90] The purpose of s. 12(3)(b) is to protect a local public body's ability to engage in full and frank exploration of issues, despite how controversial they might be, in the absence of the public.⁵⁸

[91] Past orders have held that three conditions must be met for a public body to withhold information under s. 12(3)(b). The public body must establish that:

1. it has the statutory (legal) authority to meet in the absence of the public;
2. the meeting was actually held in the absence of the public; and
3. the information would, if disclosed, reveal the substance of deliberations of that meeting.⁵⁹

⁵⁷ RP3, pp. 76-86, 112-124, 133-43, 155-56, 488-92, 758-91, and 855-59.

⁵⁸ Order F11-04, 2011 BCIPC 4 at para 29 and Order 04-04, 2004 CanLII 34258 (BC IPC) at para 72.

⁵⁹ Order 02-47, 2002 Can LII 42482 (BC IPC) at para 10 citing Order 02-22, [2002] B.C.I.P.C.D. No. 22, articulating the test from Order No. 326-1999, [1999] B.C.I.P.C.D. No. 39. Order F13-10,

[92] Past orders have also considered the meaning of the phrase “substance of deliberations.” These orders have held that the phrase covers discussions conducted with a view to making a decision or following a course of action.⁶⁰

[93] There is no dispute that the Regional District is a municipality and therefore meets the definition of a “local public body” in FIPPA.⁶¹ Therefore, I find that the Regional District may, in principle, rely on s. 12(3)(b) to withhold information if it demonstrates that information meets the test set out above.

Parties’ submissions, s. 12(3)(b)

[94] The Regional District says it had the legal authority to hold, and actually held, meetings⁶² closed to the public for the purposes described in the *Community Charter*.⁶³

[95] The Regional District says it withheld information under s. 12(3)(b) that:

- directly outlines the substance of deliberations;⁶⁴
- would permit the drawing of accurate inferences about deliberations;⁶⁵
- are integral to deliberations;⁶⁶ and
- are an integral part of the continuum of debate and deliberation.⁶⁷

[96] To support its position on s. 12(3)(b), the Regional District relies on affidavit evidence from its General Manager and on the records themselves.

[97] The applicant says the records do not meet the narrow legal test for exemption under s. 12(3)(b)⁶⁸ and that general staff communications are not protected.⁶⁹

[98] The applicant further says the Regional District failed to meet its burden.⁷⁰

2013 BCIPC 11 at para 8 relying on, for example, Order 00-14, [2000] B.C.I.P.C.D. No. 17. See also Order 02-19, [2002] B.C.I.P.C.D. No. 19 at para 70.

⁶⁰ Order 00-11 2000, CanLII 10554 (BC IPC) at s. 3.3.

⁶¹ At Schedule 1.

⁶² Regional District’s initial submission at paras 32, 35, and 38.

⁶³ SBC 2003 c 26.

⁶⁴ Regional District’s initial submission at para 48.

⁶⁵ Regional District’s initial submission at paras 54 and 59.

⁶⁶ Regional District’s initial submission at para 58.

⁶⁷ Regional District’s initial submission at paras 49-50.

⁶⁸ Applicant’s submission, p. 1.

⁶⁹ Applicant’s submission, p. 2.

⁷⁰ Applicant’s submission, p. 2.

Analysis, s. 12(3)(b)

[99] Based on my review of the information the Regional District withheld under s. 12(3)(b) and the Manager's affidavit, and for the reasons that follow, I find that s. 12(3)(b) applies.

[100] As noted above, three conditions must be met for a local public body to withhold information under s. 12(3)(b). I consider each of these conditions in turn below.

Was the Regional District authorized to meet in the absence of the public?

[101] The first part of the s. 12(3)(b) test is the statutory authority for the meeting. The Regional District says that ss. 90(1)(a), (c), (i), (k), (l), (m), and (n) and 91(2)(b) of the *Community Charter* authorized it to hold, in the absence of the public, the three closed meetings documented in the records (the closed meetings).

[102] The relevant portions of the *Community Charter* provide:

90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

...

- (c) labour relations or other employee relations;

...

- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

...

- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];

(m) a matter that, under another enactment, is such that the public may be excluded from the meeting;

(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

...

91(1) If all or part of a meeting is closed to the public, the council may allow one or more municipal officers and employees to attend or exclude them from attending, as it considers appropriate.

(2) If all or part of a meeting is closed to the public, the council may allow a person other than municipal officers and employees to attend,

(a) in the case of a meeting that must be closed under section 90 (2), if the council considers this necessary and the person

(i) already has knowledge of the confidential information, or

(ii) is a lawyer attending to provide legal advice in relation to the matter, and

(b) in other cases, if the council considers this necessary.

...

92 Before holding a meeting or part of a meeting that is to be closed to the public, a council must state, by resolution passed in a public meeting,

(a) the fact that the meeting or part is to be closed, and

(b) the basis under the applicable subsection of section 90 on which the meeting or part is to be closed.

[103] In support of its statutory authority to hold the closed meetings, the Regional District relies on the affidavit of its General Manager. She attaches as Exhibits D, E, and F to her affidavit, the minutes of the public meetings authorizing the closed meetings.

[104] The minutes show that resolutions were passed to close the meetings to consider matters deemed to fall within the specified subsections of ss. 90(1) and 91(2) of the *Community Charter* that the Regional District cited. For this reason, I find that the Regional District has met the formal requirements of s. 92 of the *Community Charter*.

[105] The Regional District must also show that the subject matter it actually considered at the closed meetings relate to one of the grounds that it cited as a basis for closing those meetings.⁷¹

[106] Based on my review of the records, as well as the sworn evidence of the General Manager, I am satisfied that the Regional District has met this condition/criterion.

[107] From my review, I can confirm the matters discussed at the meetings include:

- authorizing persons to attend closed meetings;
- employee/labour relations matters including the discussion of privileged advice related to those matters;
- personal information of individuals being considered for positions with the Regional District;
- negotiations and related discussions respecting the proposed provision of Regional District services; and
- discussions of objectives for the purposes of preparing an annual report.

[108] I find that s. 90(1)(a), (c), (i), (k), (l), (m), and (n) and s. 91(2)(b) of the *Community Charter* provided statutory authority for the Regional District to close the meetings in question.

Was the meeting held in the absence of the public?

[109] The second part of the s. 12(3)(b) test is that the meetings were actually held in the absence of the public. The General Manager swears she attended each of these meetings.

[110] I am satisfied by the General Manager's evidence that the meetings were, in fact held. Further, the minutes themselves are evidence that the public was excluded from these meetings.⁷² I find the information in dispute relates to meetings that were held in the absence of the public.

Would disclosure of the information in dispute reveal the substance of deliberations at the meeting?

[111] The third part of the s. 12(3)(b) test is that the information would, if disclosed, reveal the substance of deliberations at the closed meetings. The phrase "substance of deliberations" includes the essential or material part of the deliberations. Deliberations include discussions conducted with a view to making a decision or following a course of action.

⁷¹ Order F19-18, 2019 BCIPC 20 (CanLII) at para 14.

⁷² 2002 CanLII 42447 (BC IPC) at para 17.

[112] I can see that the agendas, minutes, closed reports, and confidential correspondence reveal, directly and indirectly, the discussions and deliberations that took place. I am satisfied these discussions were for the purpose of making decisions related to the s. 90(1) *Community Charter* matters identified above. Further, I can also see other information from which one could reasonably conclude what was thought, said or decided.

[113] I find that some of the information withheld under s. 12(3)(b) directly reveals the substance of deliberations about the matters I outlined above. I further find that other information would allow for accurate inferences about those deliberations.

[114] The applicant says the scope of s. 12(3)(b) is limited to the *in camera* deliberations of elected officials and does not apply to general staff communications. I considered what the applicant says, and I note that the information at issue could not even remotely be described as “general staff communications.”

[115] The applicant also says the public body has failed to meet its burden for redactions under s. 12(3)(b). The applicant cites two previous orders to support his position.⁷³ Neither of those orders are about s. 12(3)(b) so they do not apply to this analysis.

[116] Based upon my review of the s. 12(3)(b) information, I am satisfied that its disclosure would reveal, either directly or indirectly, the substance of deliberations of the meetings held in the absence of the public.

Conclusion, s. 12(3)(b)

[117] For the reasons described above, I found the Regional District held three closed meetings that s. 90(1) of the *Community Charter* authorized it to hold in the absence of the public. I also found that disclosure of the information the Regional District withheld under s. 12(3)(b) would reveal the substance of the deliberations at those closed meetings, either directly or by inference.

[118] In conclusion, I find the Regional District is authorized to refuse to disclose all of the information it withheld under s. 12(3)(b).

⁷³ Order F02-38, 2002 CanLII 42472 (BC IPC) which is about s. 12(1) and Order F15-28, 2015 BCIPC 31 (CanLII) which is about s. 22.

Advice or recommendations – s. 13

[119] The Regional District relies on s. 13(1) to withhold information from emails and reports. The Regional District applied s. 13(1) to some of the information withheld under s. 12(3)(b). Since I have found above that all of that information was properly withheld under s. 12(3)(b), I need not consider whether s. 13(1) also applies.

[120] Section 13(1) authorizes the head of a public body to refuse to disclose information that would reveal advice or recommendations developed by or for a public body or a minister, subject to certain exceptions.

[121] The purpose of s. 13(1) is to allow full and frank discussion of advice or recommendations on a proposed course of action by preventing the harm that would occur if the deliberative process of government decision and policy making were subject to excessive scrutiny.⁷⁴

[122] The first step in the s. 13 analysis is to determine whether the information at issue would reveal advice or recommendations developed by or for a public body or minister.

[123] “Advice” and “recommendations” have distinct meanings. “Recommendations” involve “a suggested course of action that will ultimately be accepted or rejected by the person being advised.”⁷⁵

[124] The term “advice” is broader than “recommendations”.⁷⁶ Advice includes a communication about which courses of action are preferred or desirable;⁷⁷ and an opinion that involves exercising judgment and skill to weigh the significance of matters of fact.⁷⁸

[125] Section 13(1) applies not only when disclosure of the information would directly reveal advice or recommendations, but also when it would allow accurate inferences to be drawn about advice or recommendations.⁷⁹

[126] If the information at issue is “advice” or “recommendations”, the next step is to determine whether any of the circumstances in ss. 13(2) or 13(3) apply. If information falls within ss. 13(2) or (3), the public body may not refuse to disclose it, even if it is “advice” or “recommendations” within the meaning of s 13(1).

⁷⁴ *John Doe v Ontario (Finance)*, 2014 SCC 6 at para 45 [*John Doe*].

⁷⁵ *John Doe* at para 24.

⁷⁶ *John Doe* at para 24.

⁷⁷ Order 01-15, 2001 CanLII 21569 at para 22.

⁷⁸ *College of Physicians of B.C. v. British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 at para 113.

⁷⁹ See for example *John Doe* at para 24; Order 02-38, 2002 CanLII 42472 (BCIPC); Order F10-15, 2010 BCIPC 24 (CanLII); and Order F21-15, 2021 BCIPC 19 (CanLII).

Parties' submissions – s. 13(1)

[127] The Regional District says s. 13(1) applies to advice and recommendations in:

- internal staff communications about employment related matters (the employment information);
- communications between the Investigator and Regional District staff about the Investigation (the investigation information);
- the Investigator's reports;
- staff reports; and
- emails about the Regional District's budget and finances.⁸⁰

[128] The Regional District also says s. 13 applies to the background information in certain reports. The Regional District says disclosure of background information could allow for inferences to be drawn about the advice or recommendations.

[129] The Regional District says the test for whether an inference can be drawn from the records "...is not on the casual reader, but rather on the 'assiduous, vigorous seeker of information'...".⁸¹

[130] To support its position on s.13, the Regional District relies upon the affidavit of its General Manager and on the records themselves. The General Manager identifies the pages where s. 13 was applied and says those pages contain explicit advice and recommendations from Regional District staff and from the Investigator.⁸²

[131] The applicant says "advice" refers to recommendations, not factual material.⁸³ The applicant also says the Regional District improperly withheld factual records, background materials, and final instructions. I understand the applicant to mean that s. 13(2)(a) applies. The applicant also says s. 13(1) does not apply to final decisions or directives.

Analysis – s. 13(1)

[132] I have reviewed the information withheld under s. 13(1) and the General Manager's affidavit evidence. For the reasons that follow, I find that some of it reveals advice or recommendations either directly or by inference.

⁸⁰ Regional District's initial submission at para 67.

⁸¹ Regional District's initial submission at para 71 relying on *Insurance Corporation of British Columbia v. Automotive Retailers Association*, 2013 BCSC 2025 (CanLII).

⁸² General Manager's affidavit at para 33.

⁸³ Applicant's submission, p. 3 citing *John Doe*.

[133] I can see that most of the information relates to employment matters, including information about the Investigation. This information is about confidentiality, employer and employee responsibilities, hiring, training, employment status, wages, and other workplace issues.⁸⁴

[134] I can see from the context in which the withheld information appears that there are opinions on workplace issues about which decisions need to be made. I can also see information that consists of, or implies, options for recommended courses of action on employment matters. I find that s. 13(1) applies to this information.

[135] I can also see information that is about the pros and cons to consider in the Regional District's decision making. This information reveals options that employees developed about how to respond to employment matters. As such, s. 13(1) applies to it.⁸⁵ This information is also in some of the back and forth communications between Regional District staff and the Investigator.

[136] There is other information, however, which I am not convinced would reveal either advice or recommendations. Most of that information is entirely factual in nature. Some of it is employees asking each other questions and providing entirely fact-based answers. Other information includes declaratory statements about observations and feelings.

[137] I cannot see, and the Regional District does not say, how the information in dispute sets out or implies options for recommended courses of action. I find that s. 13(1) does not apply to it. Much of this information references individuals and was also withheld under s. 22 so I consider it further below.⁸⁶

[138] I turn now to the information in the emails the Regional District describes as “advice and recommendations regarding Regional District budget and finances.”⁸⁷ Later in its submission, the Regional District further describes this information as “financial information related to revenue shortfalls.”⁸⁸

[139] The Regional District offers no specific evidence about this financial information other than the General Manager saying those specific pages contain advice and recommendations.

⁸⁴ See for example, RP2 pp. 8-9, 11, 104-05, 386-388, 413, 416-17, 564, 566-67, 673-74, 681, 819, 823, 1215-17, and 1258.

⁸⁵ For a similar analysis, see Order F22-56, 2022 BCIPC 63 (CanLII) at para 20.

⁸⁶ See for example, RP 2 pp. 208-11, 224-27, 382, 394-97, 408, 450, 510-11, 562-63, 668-69, 730-31, 818, 822, 824-25, 1262, and 1286.

⁸⁷ Regional District's initial submission at para 67(e) where it identifies RP2, pp.1215-1217, 1262-1263, 1335-1336, 1342-1343, and 1347-1348.

⁸⁸ Regional District's initial submission at para 119(e).

[140] From my review of the emails about budget and finances, I can see that there is some information that qualifies as advice about financial matters within the meaning of s. 13(1).⁸⁹

[141] For the other pieces of information, I cannot see, and the Regional District does not say, how s.13(1) applies to it. One piece of information is purely the observations of a particular employee. The Regional District only applied s. 13 to that information. I find it is not advice or recommendations and must be disclosed.⁹⁰

[142] The other piece of “budget and finance information” the Regional District withheld under s. 13(1) appears in the same email that appears in three places in the records.⁹¹ I find that this information is not advice or recommendations within the meaning of s. 13(1).

[143] There is no recommended course of action or comment on a preferred or desirable outcome in the email. Further, I do not see any opinion involving the exercise of judgment and skill to weigh matters of fact.

[144] The context provided by the email shows the factual nature of the withheld information. I find that s. 13(1) does not apply to this information. The Regional District also applied s. 17(1)(b) to this information so I consider it further below.

Exceptions to refusing access under s. 13(1) – s. 13(2)

[145] The next step in the s. 13 analysis is to decide whether the information that I have found reveals advice or recommendations under s. 13(1), falls into any of the categories listed in s. 13(2). If s. 13(2) applies, the information cannot be withheld under s. 13(1).

[146] The Regional District says that ss. 13(2) and 13(3) do not apply. The applicant does not comment specifically on ss. 13(2) or 13(3). As noted above, I understand the applicant’s position to be that s. 13(2)(a) applies because he makes comments about factual material not being covered by s. 13(1),⁹² so I consider s. 13(2)(a) further below.

s. 13(2)(a)

[147] Section 13(2)(a) says that a public body must not refuse to disclose “factual material” under s. 13(1). The phrase “factual material” is not defined in FIPPA.

⁸⁹ RP2, pp. 1215-16.

⁹⁰ RP2, p.1262-63.

⁹¹ RP2, pp.1335-36 and repeated at pp. 1342-43, and 1347-48.

⁹² Applicant’s submission, p. 3.

[148] The courts have interpreted “factual material” to mean “source materials” or “background facts in isolation” that are not necessary to the advice provided.⁹³ Where facts are selected and compiled by an expert as an integral component of their advice, then this information is not “factual material” under s. 13(2)(a).⁹⁴

[149] The Regional District says that to the extent the information under the background heading in the Investigator’s Reports can be characterized as “factual material” for the purposes of s. 13(2)(a), it is distinguishable.

[150] The Regional District says the information in the Investigator’s Reports is compiled by experts, using their skill and experience, to provide background explanation and analysis necessary for the Regional District’s deliberative process.⁹⁵ I agree. I find that this information does not appear in isolation. It was selected by the Investigator as an integral component of his advice.

[151] I find that the information I found to be advice or recommendations is not “factual material” within the meaning of s. 13(2)(a). The advice does not contain source material or background facts in isolation of the advice given. For this reason, s. 13(2)(a) does not apply.

[152] I note that at first glance the information withheld from one email⁹⁶ appeared to include severable background facts. However, I can also see that those facts were selected as relevant, and are integral to, advice. Revealing this information would allow for inferences about that advice. For these reasons, s. 13(2)(a) does not apply to it.

Exception to refusing access under s. 13(1) – s. 13(3)

[153] Section 13(3) says that information that has been in existence for more than 10 years cannot be withheld under s. 13(1). I can see from the dates specified in the access request and in the records,⁹⁷ that the information at issue has not been in existence for more than 10 years, so I find that s. 13(3) does not apply.

Conclusion – s. 13(1)

[154] In conclusion, I find that s. 13(1) authorizes the Regional District to refuse to disclose some, but not all the information it withheld under that exception. The

⁹³ *Provincial Health Services Authority v British Columbia (Information and Privacy Commissioner)*, 2013 BCSC 2322 at para 94.

⁹⁴ Order F23-82, 2023 BCIPC 98 at para 36.

⁹⁵ Regional District’s initial submission at para 76.

⁹⁶ RP2, pp. 1215-16.

⁹⁷ The applicant’s initial access request specified a date range of January 2016 to present.

Regional District also applied s. 17(1)(b) to the information I found it was not authorized to refuse to disclose under s. 13(1) so I will consider the severing of that information again below.

Disclosure harmful to financial or economic interests, s. 17(1)(b)

[155] The Regional District applied both s. 13(1) and s. 17(1)(b) to withhold information about revenue shortfalls from an email. I found above that s. 13(1) did not apply to this information, so I turn now to whether s. 17(1)(b) applies to it.⁹⁸ The only information that remains for me to consider under s. 17(1) is a portion of a single email that appears multiple times in the records.⁹⁹

[156] Section 17(1) permits a public body to withhold information that, if disclosed, could reasonably be expected to harm the financial or economic interests of the public body. The relevant provisions of s. 17(1) provide as follows:

17(1) The head of a public body may refuse to disclose to an applicant information the disclosure of which could reasonably be expected to harm the financial or economic interests of a public body or the government of British Columbia or the ability of that government to manage the economy, including the following information:

...

(b) financial, commercial, scientific or technical information that belongs to a public body or to the government of British Columbia and that has, or is reasonably likely to have, monetary value;

...

[157] Subsections (a) to (f) of s. 17(1) are examples of the types of information that, if disclosed, could reasonably be expected to cause harm. They are not, however, stand alone provisions.

[158] Even if information fits within subsections (a) to (f) of s. 17(1), a public body must also prove that disclosure of that information could reasonably be expected to harm its financial or economic interests or those of the government of British Columbia or the ability of that government to manage the economy.¹⁰⁰

[159] Section 17(1) uses the language “could reasonably be expected to harm.” Previous orders and court decisions have established that this language requires public bodies prove that disclosure will result in a risk of harm that goes “well

⁹⁸ Most of the information withheld under s. 17(1)(b) is information the applicant clarified he does not want.

⁹⁹ RP2, pp. 1335-36 and repeated at pp. 1342-43, and 1347-48.

¹⁰⁰ Order F22-63, 2022 BCIPC 71 at para 16; Order F19-03, 2019 BCIPC 4 (CanLII) at paras 22-23; and Order F20-56, 2020 BCIPC 65 (CanLII) at para 35.

beyond the merely possible or speculative.”¹⁰¹ The Supreme Court of Canada describes this standard as “a middle ground between that which is probable and that which is merely possible.”¹⁰²

[160] To meet the appropriate standard, a public body must provide evidence to demonstrate that disclosure will result in a risk of harm that is “well beyond” or “considerably above” a mere possibility of harm.¹⁰³ The evidence it provides must demonstrate “a clear and direct connection between the disclosure of specific information and the harm” that it alleges.¹⁰⁴

[161] Previous orders say that s. 17(1)(b) is engaged where the following three criteria are met:

1. The information falls into the category of financial, commercial, scientific or technical information;
2. The information belongs to a public body or the government of British Columbia; and
3. The information has, or is reasonably likely to have, monetary value.¹⁰⁵

Parties’ submissions - s. 17(1)(b)

[162] The Regional District says disclosure of the s. 17(1) information could reasonably be expected to harm the Regional District’s financial and economic interests. The Regional District also says this information is confidential, belongs solely to it, and “has monetary value, as shown in the Record.”¹⁰⁶

[163] To support its position on s. 17(1)(b), the Regional District relies on the affidavit of its General Manager and on the records themselves.

[164] The applicant says the Regional District has failed to demonstrate actual harm.¹⁰⁷ The applicant further says the Regional District must show a real risk of harm and that speculative harm or embarrassment does not meet the test. On this basis, the applicant says the Regional District has not met its burden.¹⁰⁸

¹⁰¹ *Merck Frosst Canada Ltd. v Canada (Health)*, 2012 SCC 3 at para 206.

¹⁰² *Ontario (Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, 2014 SCC 54 (CanLII), 2014 SCC at para 54.

¹⁰³ Order F17-01, 2017 BCIPC 1 (CanLII) at para 21.

¹⁰⁴ Order 02-50, 2002 BCIPC 42486 (CanLII) at para 137.

¹⁰⁵ Order F22-63, 2022 BCIPC 71 at para 31 relying upon Order F11-25, 2011 BCIPC 31 at para 30.

¹⁰⁶ Regional District’s initial submission at para 123.

¹⁰⁷ Applicant’s submission, p. 1.

¹⁰⁸ Applicant’s submission, p. 3. The applicant cites Order 04-06, 2004 CanLII 34260 (BC IPC) which does not address s. 17(1).

Analysis - s. 17(1)(b)

[165] Having reviewed the s. 17(1)(b) information and the General Manager's affidavit evidence, and for the reasons that follow, I find that s. 17(1)(b) does not apply to the information in dispute.

Is the information financial, commercial, scientific or technical information?

[166] Previous orders have said that "financial information" relates to prices charged for goods and services, assets, liabilities, expenses, cash flow, profit and loss data, operating costs, financial resources or arrangements.¹⁰⁹

[167] The Regional District only withheld a portion of the email under s. 17(1)(b). The words in the email that precede what was withheld say "To give you some food for thought the ideas to date for use of the funding are: Address Revenue Shortfalls." The subject line of the email, which was not withheld, says "COVID 19 Restart Funding."¹¹⁰

[168] I find that the information withheld from the email is financial information because it is about financial matters and includes dollar figures, estimates, and calculations.

The information belongs to a public body

[169] Since the financial information was prepared by the Regional District and is about ideas on how to use funding it already received, I accept that it belongs to the Regional District for the purposes of s. 17(1)(b).

The information has, or is reasonably likely to have, monetary value

[170] Previous orders have said that for information to have monetary value in the context of s. 17(1)(b), there must be a reasonable likelihood of independent monetary value in the information concerned.¹¹¹

[171] Previous orders have also said that the fact that information would be of interest, or benefit, to others does not mean that it has independent monetary value.¹¹²

¹⁰⁹ Order F22-35, 2022 BCIPC 39 at para 82.

¹¹⁰ RP2, pp. 1335-36, 1342-43, and 1347-48.

¹¹¹ Order F22-63, 2022 BCIPC 71 at para 37 referencing for example Order F15-58, 2015 BCIPC 61 at para 33.

¹¹² Order F15-58, 2015 BCIPC 61 (CanLII) at para 32.

[172] The Regional District says the withheld information has monetary value as shown in the records. I can see that the severed information includes dollar amounts. I assume those amounts are what the Regional District means when it says, “monetary value, as shown in the Record.”

[173] I cannot see, and the Regional District does not say, how there is any independent monetary value in these dollar amounts. Further, while the ideas for how to spend the Covid 19 Restart Funding might be of interest to some, that also does not equate to independent monetary value.

[174] I find the information at issue does not have monetary value and thus fails test at this stage. I need not therefore consider whether disclosure of this information will result in a risk of harm. For the sake of completeness, however, I briefly consider it below.

Harm

[175] Section 17(1) requires proof of that disclosure will result in a risk of harm that is “well beyond” or “considerably above” a mere possibility of harm. I cannot see how disclosure of the financial information could reasonably be expected to harm the Regional District.

[176] The only thing the Regional District says on the harm aspect is that its disclosure would reveal confidential information with respect to the Regional District’s financial position.¹¹³ I do not see the potential for any harm resulting from disclosure of this information.

Conclusion, s. 17(1)

[177] For all of the preceding reasons, I find that s. 17(1)(b) does not apply to the s. 17(1)(b) information withheld from the email that is repeated in the records.

Unreasonable invasion of third party personal privacy - s. 22

[178] The Regional District relies on s. 22 to withhold information from email communications and attachments. The information that remains at issue under s. 22 includes the information I found was not properly withheld under either ss. 13(1) or 14.

[179] Section 22 requires a public body to refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party’s personal privacy.

¹¹³ Regional District’s initial submission at para 123(e).

[180] A third party is defined in FIPPA as any person, group of persons or organization other than the person who made the access request or the public body.¹¹⁴ Previous orders have considered the proper approach to the application of s. 22 and I apply those same principles here.¹¹⁵

Personal information

[181] Section 22 only applies to personal information, so the first step in a s. 22 analysis is to decide if the information in dispute is personal information.

[182] FIPPA defines personal information 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.”¹¹⁶ Whether information is “contact information” depends upon the context in which it appears.¹¹⁷

[183] I will first consider whether the information in dispute is about identifiable individuals. I will then consider whether any of the information that I find is about identifiable individuals is contact information.

Parties’ positions - personal information

[184] The Regional District says the information it withheld under s. 22(1) is about identifiable individuals and is not contact information.¹¹⁸

[185] The applicant does not say anything directly about whether the information in dispute meets the statutory definition of personal information. He does say, citing s. 22(4)(e), that public body employees are not “third parties” and therefore s. 22(1) does not apply to their information.¹¹⁹

Analysis - personal information

[186] I find that most of the information severed by the Regional District under s. 22(1) is personal information. This information either directly identifies individuals by name or initials or is reasonably attributable to a particular

¹¹⁴ Schedule 1.

¹¹⁵ Order F15-03, 2015 BCIPC 3 (CanLII) at para 58 sets out a summary of the steps in a s. 22 analysis which I follow here.

¹¹⁶ FIPPA, Schedule 1.

¹¹⁷ Order F20-13, 2020 BCIPC 15 (CanLII) at para 42.

¹¹⁸ Regional District’s initial submission at para 129.

¹¹⁹ Applicant’s submission, p. 1.

individual, on its own or when combined with other available sources of information.

[187] The personal information includes names, initials, personal email addresses, employment details (personnel reports, stipends, status, leaves, references/evaluations, and other workplace issues). The information also includes details about education and certifications, next of kin, driving records, location at a particular time, and criminal history.

[188] I find some of the disputed information is not personal information because it is not about identifiable individuals. This information is:

- the template language in a form;¹²⁰
- an article about the necessary qualities for a position;¹²¹ and
- the Investigator's email address.¹²²

[189] For the form, I find only the individual details inserted into the form is personal information, not the template language of the form itself. For the article, it is not about an identifiable individual. I cannot see, and the Regional District does not say, how it is personal information.

[190] For the Investigator's email address, I can see from the records that it appears in the context of being contacted at his place of business. I can see that this address appears in the sender and recipient box of emails which also contain the Investigator's business signature block. This signature block shows the credentials of the Investigator, the name of the business, its web site address, and the cell and office phone numbers for the Investigator. No email address appears in the business signature block.

[191] Based on the above context, I conclude that the only available email address for contacting the Investigator at his place of business is the one that was withheld in the records. I find this email address is business contact information and is therefore not personal information.

[192] The applicant says public body employees are not third parties and therefore their privacy cannot be unreasonably invaded. Public body employees meet the definition of "third party" and do have a right to personal privacy over their personal information. This right is arguably limited by s. 22(4)(e), but it nonetheless exists.

¹²⁰ RP2, p. 1233.

¹²¹ RP2, pp. 401-401, 1291-94, and 1303-06.

¹²² RP2, pp. 408, 411, 412, 416, 418, 421, 422, 425, 426, 427, 448, 449, 451, 453, 457, 459, 512, and 564.

[193] The Regional District is not required by s. 22(1) to withhold information that I found is not personal information and I will not consider that information any further.

Not an unreasonable invasion of third party personal privacy - s. 22(4)

[194] The next step in the s. 22 analysis is to determine whether the personal information falls into any of the categories set out in s. 22(4) and is, therefore, not an unreasonable invasion of a third party's personal privacy.

[195] The Regional District says that the third party personal information redacted in the records is not subject to any of the exceptions set out in s. 22(4).¹²³ I will consider s. 22(4)(e) because the applicant says s. 22(1) is not intended to protect the privacy of employees.

Third party's position, functions, or remuneration – s. 22(4)(e)

[196] Section 22(4)(e) says that it is not an unreasonable invasion of a third party's personal privacy to disclose information about their position, functions or remuneration as an officer, employee or member of a public body.

[197] Past orders have established that s. 22(4)(e) applies to objective, factual statements about what a third party public body employee did or said in the normal course of their duties.¹²⁴ It does not apply where the information is not exclusively about the employees' positions, functions or remuneration.¹²⁵

[198] The Regional District says it is apparent in the records that it has not applied s. 22 to employees' contact information or to information about employees' position, functions or remuneration.¹²⁶

[199] In my view, "information about...remuneration," suggests a broad reading of the latter term. In keeping with FIPPA's goals of transparency and accountability, a broad reading includes the individual elements that make up the remuneration."¹²⁷

[200] I find a broad interpretation of "remuneration" includes the individual elements of stipends and expenses. Such amounts represent an employee's receipt of compensation, disbursement or payment in exchange for the performance of work-related duties.

¹²³ Regional District's initial submission at para 152.

¹²⁴ Order F24-10, 2024 BCIPC 14 (CanLII) at para 45; Order F09-15, 2009 BCIPC 58553 (CanLII) at para 15; and Order F14-41, 2014 BCIPC 44 (CanLII) at para 24.

¹²⁵ Order F23-92, 2023 BCIPC 108 (CanLII) at para 46.

¹²⁶ Regional District's reply submission at para 38.

¹²⁷ Order F10-05, 2010 BCIPC 8 (CanLII) at paras 40-41.

[201] I find that s. 22(4)(e) applies to some of the information in the records.¹²⁸ This information is about remuneration of employees, appointments to positions, and comments made by employees in the normal course of their duties.

[202] The Regional District is not required to withhold this information, and I will consider it no further.

[203] I reviewed the other provisions in s. 22(4) and find that none apply.

Presumed unreasonable invasion of third party personal privacy - s. 22(3)

[204] The third step in the s. 22 analysis is to determine whether any presumptions set out in s. 22(3) apply. Section 22(3) sets out circumstances where disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy.

[205] The Regional District says s. 22(3)(d) applies,¹²⁹ so I consider this provision below. I also considered whether any of the other s. 22(3) provisions might apply and find they do not.

Employment, occupational, or educational history – s. 22(3)(d)

[206] Section 22(3)(d) says that a 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, occupational or educational history.

[207] The Regional District says that s. 22(3)(d) applies to third party personal information found in personnel files, performance appraisals, workplace investigation reports, and to details about workplace leaves and participation in courses.

[208] The applicant does not comment specifically on the application of s. 22(3)(d). I conclude from the totality of his submission, that the applicant believes he is entitled to access the personal information of other employees. For example, the applicant specifically identified¹³⁰ that he is interested in the types of information about third parties described by the Regional District as educational and workplace information,¹³¹ leaves,¹³² and opinions on workplace matters.¹³³

¹²⁸ RP1, pp. 270, 271, 3417, 3420, 3431, 3436, 3439, and 3450. RP2, pp. 731, 733, and 1262.

¹²⁹ The Regional District also said s. 22(3)(c), (e), and (f) apply to some information, but that information no longer remains in dispute.

¹³⁰ Applicant's email dated December 12, 2025.

¹³¹ Regional District's initial submission at para 137(i).

¹³² Regional District's initial submission at para 137(m).

¹³³ Regional District's initial submission at para 137(p) and 141(a).

[209] Previous OIPC orders have found that the term “employment history” includes descriptive information about an individual’s workplace behaviour or actions in the context of a workplace complaint investigation or disciplinary matter.¹³⁴ Previous orders have also found that a complainant’s allegations and evidence about what another individual said or did in the workplace is part of that individual’s employment’s history under s. 22(3)(d).¹³⁵

[210] Section 22(3)(d) has also been found to apply to information about employee work leaves¹³⁶ and accommodations.¹³⁷

[211] I agree with the findings in these previous orders. Consistent with them, I find that s. 22(3)(d) applies to the personal information found in the personnel reports, performance appraisals, opinions on workplace matters, workplace investigation reports, and in records of the details about workplace leaves and participation in courses. I find this information is about an individual’s employment history; therefore, its disclosure is presumed to be an unreasonable invasion of the personal privacy of those individuals.

Relevant circumstances – s. 22(2)

[212] The final step in the s. 22 analysis is to consider all relevant circumstances, including those listed in s. 22(2), before determining whether the disclosure of personal information would be an unreasonable invasion of personal privacy. It is at this step that any applicable s. 22(3) presumptions may be rebutted.

[213] The Regional District says that there are no relevant circumstances, including those listed in s. 22(2), that favour disclosure of any of the third party personal information.¹³⁸ The applicant does not comment specifically on the relevant circumstances.

[214] I have considered the s. 22(2) circumstances and find that none of them weigh in favour of disclosure. I also considered the relevant circumstances not listed in s. 22(2). In particular, I considered that some of the personal information at issue is concurrently the applicant’s personal information. I find however, that his personal information is inextricably intertwined with that of various third parties.

¹³⁴ Order 01-53, 2001 CanLII 21607 at para 32.

¹³⁵ Order F25-12, 2025 BCIPC 14 (CanLII) at para 56 citing for example, Order 01-53, 2001 CanLII 21607 (BC IPC) at para 38; Order F21-43, 2021 BCIPC 42 at para 42; and Order F23-56, 2023 BCIPC 65 at para 77.

¹³⁶ For instance, Order F22-15, 2022 BCIPC 17 at para 66.

¹³⁷ For instance, Order F23-13, 2023 BCIPC 15 at para 92.

¹³⁸ Regional District’s initial submission at para 153.

Conclusion, s. 22

[215] I found that only a small amount of the information withheld by the Regional District under s. 22(1) is not personal information. Given it is not personal information, it cannot be withheld under s. 22(1). The balance of the information withheld by the Regional District under s. 22(1) is personal information.

[216] I found that s. 22(4)(e) applies to some of the personal information. Disclosing that information, therefore, would not be an unreasonable invasion of third party personal privacy and the Regional District cannot refuse to disclose it under s. 22(1).

[217] I also found that s. 22(3)(d) applies to some of the personal information so disclosing that information is presumed to be an unreasonable invasion of third party personal privacy.

[218] After considering all of the relevant circumstances under s. 22(2), I concluded that none weigh in favour of disclosure.

[219] Aside from the information which I found is not personal information, and the information to which s. 22(4)(e) applies, the Regional District is required to withhold the personal information it withheld under s. 22(1).

CONCLUSION

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

1. I confirm the Regional District's decision to withhold information under s. 12(3)(b).
2. I confirm, in part, the Regional District's decision to withhold information under ss. 13(1), 14, and 22(1).
3. The Regional District is not authorized or required under ss. 13(1), 14, 17(1), or 22(1) to refuse to disclose the information as outlined in the copy of the records provided with this order. Specifically, for RP1 and RP2, I have highlighted in green the information that must be disclosed. For RP3, I have listed the full pages that must be disclosed and highlighted in yellow the portions of pages to withhold.
4. The Regional District must provide the OIPC registrar of inquiries a copy of its cover letter and the accompanying information sent to the applicant in compliance with item 3 above.

[221] Pursuant to s. 59(1), the Regional District is required to comply with this order by **March 12, 2026**.

January 28, 2026

ORIGINAL SIGNED BY

Carol Pakkala, Adjudicator

OIPC File No.: F24-96822

Appendix A – Information no Longer at Issue**Footnote 7 – s. 15(1)(l) Information no Longer at Issue:**

RP1, pp. 1, 33-36, 938, 952, 982-83, 986, 990, 991, 994, 998, 999, 1002, 1006, 1007, 1010, 1015, 1016, 1019, 1022, 1023, 1026, 1031, 1032, 1035, 1038, 1039, 1042, 1482-1483, 1485-86; 1488, 1490; 1492-94; 1496; 2057, 2147-48; 2151, 2153, 2157, 2160, 2162, 2166, 2168, 2170, 2173, 2175-76, 2179, 2182-83, 2186, 2188, 2190, 2193, 2196-97, 2200, 2307-08, 2312-13, 2316-17, 2321, 2327, 2328, 2330, 2335-36, 2341-42, 2347, 2350-52, 2357-58, 2360, 2366, 2369, 2374, 2378, 2383-84, 2388, 2393-94, 2396, 2401, 2402, 2404, 2409, 2410, 2414, 2419-20, 2423, 2428, 2543, 2547, 2548, 3246, 3256, 3269, 3271, 3273, 3275, 3277, 3278, 3280, 3282, 3283, 3284, 3286, 3288, 3455, 3466, 3469, 3472, 3489, 3499, 3501, and 3503. RP2, pp. 809-811. Section 14 records, pp. 518, 536, 625, 866, 870, 874, 879, 883, 886, 890, 893, and 898.

Footnote 8 – s. 17(1)(b) Information no Longer at Issue:

RP1, pp. 1, 938, 952, 980-81, 982-83, 986, 988-89, 990-91, 994, 996-97, 998-99, 1002, 1004-05, 1006-07, 1010, 1012-14, 1015-16, 1019, 1021, 1022, 1023, 1026, 1028, 1031-32, 1029, 1030, 1035, 1037, 1038-39, 1042, 1482-83, 1485-86; 1488, 1490; 1492-94; 1496; 2057, 2147-48, 2151, 2153, 2157, 2160, 2162, 2166, 2168, 2170, 2173, 2175-76, 2179, 2182-83, 2186, 2188, 2190, 2193, 2196-97, 2200, 2307-08, 2312-13, 2316-17, 2321, 2327, 2328, 2330, 2335-36, 2341-42, 2347, 2350-52, 2357-58, 2360, 2366, 2369, 2374, 2378, 2383-84, 2388, 2393-94, 2396, 2401-02, 2404, 2409-10, 2414, 2419-20, 2423, 2428, 2543, 2547, 2548, 3080, 3084, 3246, 3256, 3269, 3271, 3273, 3275, 3277, 3278, 3280, 3282, 3283, 3284, 3286, and 3288.

Footnote 9 – s. 22(1) Information no Longer at Issue:

RP1, pp. 5-6, 8, 10, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24, 28, 29, 31, 32, 33, 34, 35, 36, 38-40, 42, 44-47, 49-53, 55, 58-60, 64-66, 68-72, 75, 76, 77-94, 95, 96-113, 116, 117, 118, 119-136, 139, 140, 141, 143, 170-97, 199-262, 267, 268, 269, 277, 314, 350, 384, 421, 438, 455, 456, 484, 512, 554, 555, 557, 573, 574, 575, 578, 592, 598, 601, 609-612, 614, 619-621, 635, 636, 642, 644, 646, 648, 652, 654, 656, 657, 659, 660, 661, 662, 665, 666, 669, 674, 679, 687, 690, 692, 694, 699, 700, 701, 702, 703, 705, 706, 710, 711, 712, 713, 714, 715, 718, 719, 720, 721, 725, 726, 727, 729, 731, 732, 733, 742, 796, 800, 809, 818-819, 828, 837, 860, 862, 868, 888, 890, 891, 893, 894, 895, 896, 897, 898, 899, 901, 902, 903-17, 933-34, 935, 941, 942-49, 955-57, 973, 981, 989, 997, 1005, 1014, 1021, 1030, 1037, 1045, 1046, 1047, 1048, 1050, 1051, 1052, 1053, 1056, 1059-65, 1069-1076, 1078-1100, 1102-1112, 1114-1117, 1118, 1120, 1122, 1123, 1124, 1127, 1129-1130, 1132, 1135, 1137-1138, 1140, 1143-1144, 1146, 1148, 1152-1153, 1155, 1157, 1161, 1163-1164, 1166-1167, 1171, 1173, 1175, 1179-

1180, 1182, 1184, 1185, 1223, 1261, 1299, 1300-01, 1313, 1314, 1334, 1335, 1344, 1348, 1352, 1357, 1361, 1365, 1381, 1388, 1394, 1405, 1406, 1413, 1414, 1422, 1423, 1429, 1430, 1436, 1437, 1443, 1450, 1452, 1462, 1463, 1482, 1485, 1491, 1494, 1505, 1507-09, 1511-18, 1520, 1521, 1522, 1524, 1526-1529, 1531-56; 1558, 1559-62, 1564-89; 1590, 1592-95; 1597-1622, 1624-25, 1633, 1646, 1648, 1649, 1656-60, 1676, 1677, 1680, 1685, 1686, 1689, 1696, 1702, 1712, 1717, 1719, 1739, 1742, 1746, 1748, 1753, 1755, 1759-62, 1869, 1871, 1872, 1874, 1882, 1883, 1889, 1890, 1893, 1898, 1899, 1902, 1906, 1909, 1915, 1924, 1930, 1931, 1932, 1944, 1951, 1954, 1958, 1959, 1985, 1988, 1991, 1995, 2001, 2002, 20023, 2005, 2009, 2010, 2019, 2020, 2023-24, 2027-41, 2066, 2108, 2124, 2137, 2228, 2229, 2235, 2252, 2253, 2256, 2258, 2260, 2263, 2266, 2268-2269, 2271, 2272, 2276, 2278, 2280, 2282, 2283, 2285, 2286, 2299, 2301, 2305, 2306, 2310, 2312, 2315, 2319, 2320, 2325, 2326, 2333, 2339, 2340, 2345, 2346, 2349, 2355, 2356, 2364, 2365, 2372, 2373, 2381, 2382, 2391, 2392, 2399, 2401, 2407, 2409, 2417, 2418, 2426, 2427, 2433, 2435, 2451, 2452, 2454, 2455, 2474, 2475, 2477, 2478, 2486, 2487, 2489, 2490, 2505, 2507, 2508, 2511, 2515, 2530, 2533, 2534, 2538, 2541, 2562, 2567, 2584, 2585, 2587, 2588, 2592, 2598, 2605, 2606, 2608, 2609, 2625, 2630, 2637, 2638, 2640, 2641, 2655, 2661, 2667, 2674, 2685, 2690, 2693, 2699, 2728, 2737, 2746, 2755, 2776, 2785, 2795, 2804, 2814, 2818, 2825, 2837, 2846, 2856, 2876, 2879, 2881, 2887, 2888, 2890, 2891, 2961, 2973, 2976, 2982, 2983, 2985, 2986, 2998, 3030-33, 3041, 3091, 3092, 3094, 3095, 3100, 3106, 3107, 3109, 3110, 3121, 3131, 3142, 3150, 3151, 3153, 3154, 3159, 3165, 3166, 3168, 3169, 3180, 3217, 3249, 3253, 3254, 3259-60, 3265, 3268, 3290, 3305, 3306, 3308, 3310, 3311, 3313, 3316, 3319, 3320, 3321, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3336, 3337, 3339, 3340, 3346, 3350, 3358, 3361, 3363, 3371, 3375, 3376, 3378, 3379, 3384, 3385, 3388, 3398, 3407, 3412, 3417, 3420, 3421, 3423, 3424, 3431, 3433, 3434, 3435, 3436, 3439, 3440, 3442, 3443, 3450, 3452, 3453, 3454, 3457, 3464, 3465, 3468, 3470, 3474, 3476, 3477, 3478, 3480, 3481, 3482, 3483, 3491, 3505, 3506, 3507, 3508, 3509, 3511, 3512, 3513, 3514, 3515, 3516, 3517 – 63, 3674, 3684, 3693, 3698, 3703, 3704, 3711, 3717, 3725, 3734, 3740, 3741, 3742, 3743, 3752, 3753, 3754, 3759, 3760, 3768, 3770, 3703, 3771, 3779-82, 3791, 3793, 3794, 3795, 3796, 3797, 3798, and 3799.