Order F26-11

INTERIOR HEALTH AUTHORITY

Rene Kimmett
Adjudicator

February 10, 2026

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Summary: Under the *Freedom of Information and Protection of Privacy Act* (FIPPA), an applicant asked the Interior Health Authority (Interior Health) for access to records about a complaint the applicant had previously made to Interior Health about a daycare facility. Interior Health withheld some information from the applicant under ss. 13(1) (advice or recommendations), 21(1) (harm to third-party business interests) and 22(1) (unreasonable invasion of third-party personal privacy) of FIPPA. The adjudicator found Interior Health was not authorized or required to withhold any information under ss. 13(1) or 21(1). She found that Interior Health was required to withhold some of the information in dispute under s. 22(1). The adjudicator ordered Interior Health to give the applicant access to the information it was not authorized or required to withhold.

Statutes Considered: *Freedom of Information and Protection of Privacy Act,* RSBC 1996, c. 165, ss. 13(1), 21(1), 21(1)(a)(ii), 22(1), 22(2)(a), 22(2)(e), 22(2)(f), 22(2)(h), 22(3)(a), 22(3)(b), 22(3)(d), and 22(4)(e).

INTRODUCTION

[1] Under the *Freedom of Information and Protection of Privacy Act* (FIPPA), an applicant asked the Interior Health Authority (Interior Health) for access to records related to a complaint the applicant had previously made to Interior Health about a daycare facility.

[2] Interior Health gave the applicant access to responsive records but withheld some information from those records under ss. 13(1) (advice or recommendations), 21(1) (harm to third-party business interests) and 22(1) (unreasonable invasion of third-party personal privacy) of FIPPA.

[3] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review Interior Health's decision to withhold information responsive to their access request. The OIPC engaged the parties in mediation,

which resulted in some of the information no longer being in dispute. However, mediation did not resolve all the issues, and the matter proceeded to this inquiry.

PRELIMINARY ISSUE

[4] The applicant makes submissions about s. 25(1) (mandatory public interest disclosure). Section 25(1) was not listed in the Notice of Inquiry. The Notice of Inquiry and the OIPC's *Instructions for Written Inquiries*, both of which were provided to the parties at the outset of the inquiry, clearly explain that parties may not add new issues without the OIPC's prior consent.

[5] The applicant did not ask to add s. 25(1) as an issue in this inquiry or explain why they did not raise this issue earlier in the OIPC's process. I find that s. 25(1) is a new issue, and that there are no exceptional circumstances in this matter which warrant adding s. 25(1) to the inquiry at this late stage. Past orders and decisions have consistently taken the same approach to parties including new issues in their submissions.[1]

ISSUES AND BURDEN OF PROOF

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

1. Is Interior Health authorized to refuse access to the information in dispute under s. 13(1)?

2. Is Interior Health required to refuse access to the information in dispute under s. 21(1)?

3. Is Interior Health required to refuse access to the information in dispute under s. 22(1)?

[7] Interior Health has the burden of proving that the applicant has no right of access to the information withheld under ss. 13(1) or 21(1).[2] It also has the burden to prove that the information withheld under s. 22(1) is personal information.[3]

[8] The applicant has the burden of proving that disclosure of the personal information withheld under s. 22(1) would not be an unreasonable invasion of third-party personal privacy.[4]

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[1] For example, Order F25-88, 2025 BCIPC 102 (CanLII) at paras 4-6; Order F25-79, 2025 BCIPC 93 (CanLII) at paras 3-5; Order F12-07, 2012 BCIPC 10 at para 6; Order F10-27, 2010 BCIPC 55 at para 10.
[2] FIPPA, s. 57(1).
[3] Order 03-41, 2003 CanLII 49220 (BC IPC) at paras 9-11.
[4] FIPPA, s. 57(2).

DISCUSSION

Background

[9] The applicant made a complaint to Interior Health about an odour at a daycare facility. The daycare also received complaints about this odour and informed Interior Health that those complaints had escalated to concerns about mould. The municipality that leases the building to the daycare checked for mould and hired a restoration company to conduct an air quality test. The results came back negative and Interior Health concluded the complaints were unsubstantiated.

[10] Under FIPPA, the applicant asked Interior Health for access to their initial complaint, internal and external communications about the complaint, documents of any investigation or action taken in response to the complaint, findings or conclusions drawn from the investigation, and the results of the air quality testing.

Records at issue

[11] There are 19 pages of records in this inquiry. Most of the information in the records has already been disclosed to the applicant, including 10 pages in their entirety. Interior Health is withholding some information from 9 pages of records.

Advice or recommendations – s. 13(1)

[12] 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 minister. This exception to disclosure protects "a public body's internal decision-making and policy-making processes, in particular while the public body is considering a given issue, by encouraging the free and frank flow of advice and recommendations."[5] A public body is authorized to refuse access to information under s. 13(1) when the information itself directly reveals advice or recommendations or when disclosure would permit accurate inferences about such advice or recommendations.[6]

[13] The word "recommendations" includes material that relates to a suggested course of action that will ultimately be accepted or rejected by the person being advised and can be express or inferred.[7] The word "advice" has a distinct and broader meaning than "recommendations."[8] "Advice" includes an opinion that

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[5] Order 01-15, 2001 CanLII 21569 at para 22.
[6] Order 02-38, 2002 CanLII 42472 at para 135. See also Order F17-19, 2017 BCIPC 20 (CanLII) at para 19.
[7] *John Doe v. Ontario (Finance),* 2014 SCC 36 at paras. 23-24.
[8] *Ibid* at para 24.

involves exercising judgment and skill to weigh the significance of matters of fact on which a public body must make a decision.[9]

[14] Interior Health submits it applied s. 13(1) to

- advice or recommendations regarding proposed actions;
- a suggested course of action, which may or may not have been accepted or rejected by the person being advised;
- opinions and judgment regarding matters on which the public body must decide; and
- discussions between Interior Health experts that extend to interpreting the requirements in the Community Care and Assisted Living Regulations.[10]

[15] Interior Health also submits "Order F25-04 provides further information to support [its] views regarding disclosure".[11]

[16] For the reasons that follow, I find that Interior Health has not established that the information it has withheld under s. 13(1) would reveal advice or recommendations developed by or for a public body.

[17] Interior Health's submissions amount to a simple restatement of the s. 13(1) test. Interior Health has not adequately explained its view that the specific information in dispute, which is different from the information dealt with in Order F25-04, can be withheld under s. 13(1). Further, it is not apparent to me that s. 13(1) applies because, as I explain in greater detail below, the information withheld under s. 13(1) does not appear to discuss any decision contemplated or made by a public body or the requirements of the Community Care and Assisted Living Regulations.

[18] Interior Health is withholding parts of an email from a third party (who is not a public body) to an Interior Health employee in which the third party discusses the possibility of mould and asks Interior Health for general information on the subject. It could be that Interior Health views this email as a request for advice or recommendations. However, s. 13(1) does not usually apply to information that only reveals a request for advice or recommendations.[12] This is because the reader of this information cannot accurately infer whether any

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[9] *College of Physicians of BC v. British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 at para 113.
[10] Interior Health's reply submission at page 2.
[11] Interior Health's initial submission at page 2.
[12] Order F17-39, 2017 BCIPC 43 (CanLII) at para 37 and Order F15-33, 2015 BCIPC 36 (CanLII) at para 24.

advice or recommendations were actually given or, if they were given, the content of the advice or recommendations. Having reviewed the email, I find that nothing in it would reveal advice or recommendations developed by or for a public body.

[19] Interior Health is also withholding part of an email in which an Interior Health employee says that one of their colleagues may be interested in working on the daycare file and explains, generally, the steps involved in the file. Again, on its face, nothing in this email reveals advice or recommendations developed by or for a public body, and Interior Health does not clearly explain how it does.

[20] I find that Interior Health has not met its burden to establish it is authorized to withhold any information under s. 13(1).

Harm to third-party business interests – s. 21(1)

[21] Interior Health is withholding some information under s. 21(1). Section 21(1) requires a public body to withhold information if its disclosure could reasonably be expected to harm the business interests of a third party. Past orders have established a three-part analytical framework to determine the applicability of s. 21(1), which I will follow in this order.[13] To establish that s. 21(1) applies, a public body (or third party, if applicable) must establish:

1. the information in dispute would reveal trade secrets or commercial, financial, labour relations, scientific or technical information of or about a third party (s. 21(1)(a)),

2. the information in dispute was supplied, implicitly or explicitly, in confidence (s. 21(1)(b)), and

3. disclosure of the information in dispute could reasonably be expected to result in one of the harms specified under s. 21(1)(c), specifically that disclosure could reasonably be expected to

    a) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

    b) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

    c) result in undue financial loss or gain to any person or organization, or

[13] Order F25-84, 2025 BCIPC 98 (CanLII) at para 21; Order F22-33, 2022 BCIPC 37 (CanLII) at para 25; Order F17-14, 2017 BCIPC 15 (CanLII) at para 9.

d) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

[22] Regarding s. 21(1)(a), Interior Health says it withheld information in the records where the "commercial, financial, labour relations, scientific or technical information of or about a third party [was] involved".[14] It also submits the information is labour relations information because it concerns "matters related to human resources and matters involving the operations of a third-party business".[15]

[23] Previous orders have found the term "labour relations" information includes information:

- concerning the collective relationship between an employer and its employees or between an employer and a union;
- related to a union's role or position in the collective bargaining process with the employer, negotiations and bargaining positions or other related labour relations matters;
- related to particular labour relations issues and disputes, such as grievances, that arise within the collective bargaining relationship between employer and union or analogous relationships.[16]

[24] Past orders have said that commercial information under s. 21(1)(a) is information that relates to commerce, or the buying, selling, exchange or providing of goods and services, and that the information does not need to be proprietary in nature or have an actual or potential independent market or monetary value.[17] Examples include information about

- the use of assets,[18]
- how a company provides services, including related terms and pricing,[19]

[14] Interior Health's initial submission at page 2.
[15] Interior Health's reply submission at page 2.
[16] Order F17-01, 2017 BCIPC 1 (CanLII) at para 32.
[17] Order 01-36, 2001 CanLII 21590 (BC IPC) at para 17, and Order F08-03, 2008 CanLII 13321 (BC IPC) at para 62.
[18] Order F19-03, 2019 BCIPC 4 (CanLII) at para 45.
[19] Order F15-53, 2015 BCIPC 56 (CanLII) at para 10.

- supplier or price lists,[20]

- proposed and actual fees, percentage commission rates, and descriptions of the services it agreed to provide to a public body.[21]

[25] The information in dispute is contained in an email in which a third party discusses the possibility of mould and asks Interior Health for general information on the subject. Based on my review of this information, I find it would not reveal labour relations information because it does not reveal anything about the relationship between an employer and its employees. I also find it would not reveal commercial information about a third party's delivery of goods or services. Lastly, the information in dispute clearly has no connection to financial, scientific or technical information.

[26] Since I find the information in dispute does not meet the first branch of the s. 21(1) test and all three branches must be met for s. 21(1) to apply, I do not need to consider Interior Health's submissions on the other branches of the test.[22] I find that disclosure of this information could not reasonably be expected to result in harm to a third party's business interests under s. 21(1).[23]

Unreasonable invasion of third-party personal privacy – s. 22

[27] Section 22(1) requires a public body to refuse to disclose personal information, if its disclosure would unreasonably invade a third party's personal privacy. A third party is any person other than the applicant or a public body.[24]

[28] There are four steps in the s. 22(1) analysis and I will apply each step under the subheadings below.[25]

Section 22(1) – personal information

[29] The first step in the s. 22(1) analysis is to determine whether the information in dispute is personal information. Personal information is defined in

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[20] Order 01-36, 2001 CanLII 21590 (BC IPC) at para 22.
[21] Order 03-04, 2003 CanLII 49168 at para 22.
[22] Interior Health said the withheld information was supplied in confidence under s. 21(1)(b) because it includes "the personal information of various third parties, along with information relating to the personnel of a third-party business". It did not identify any harm under s. 21(1)(c).
[23] I also note, for reference in future inquiries, that the *FOIPPA Policy & Procedures Manual* that Interior Health relies on in its submissions is produced by the Ministry of Citizens' Services and not the OIPC. This material is not binding and does not have the same persuasive value as OIPC and court decisions.
[24] FIPPA, Schedule 1.
[25] Order F15-03, 2015 BCIPC 3 (CanLII) at para 58.

FIPPA as "recorded information about an identifiable individual other than contact information".[26]

[30] Information is about an identifiable individual when it is reasonably capable of identifying a particular individual, either alone or when combined with other available sources of information.[27] 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".[28] Whether information is "contact information" depends on the context in which it appears.[29]

[31] Under s. 22(1), Interior Health has withheld:

- information about individuals who raised concerns about the odour in the daycare;
- the name and email address of a WorkSafeBC employee that the applicant emailed;
- the names, titles, email addresses, and a phone number of individuals that work with the daycare;
- thoughts about the potential mould at the daycare provided by an individual (Person A) on behalf of an organization;
- information about Interior Health employees; and
- information about children who attended the daycare.

[32] The information Interior Health has withheld about the individuals who raised concerns about the odour in the daycare only reveals the category to which these individuals belong. I find this information is not reasonably capable of identifying a particular individual, alone or when combined with other information, because the category describes a broad group of people. This information is not personal information and, therefore, cannot be withheld under s. 22(1).

[33] Next, I find that the name and business email address of the WorkSafeBC employee is contact information because it appears in the records to enable the

[26] FIPPA, Schedule 1.
[27] Order F05-30, 2005 CanLII 32547 (BC IPC) at para 35.
[28] FIPPA, Schedule 1.
[29] Order F20-13, 2020 BCIPC 15 (CanLII) at para 42.

applicant to contact this individual at their place of business and for a business purpose. As this information is contact information and not personal information, Interior Health may not withhold it under s. 22(1).

[34] Turning to the names, titles, email addresses, and telephone number of the individuals that work with the daycare, I find that this is also contact information and not personal information. This information appears in the records for the purpose of enabling these individuals to be contacted for a business purpose, specifically to receive information from Interior Health about the potential mould at the daycare. I acknowledge that these email addresses are likely personal and that personal email addresses are not normally "information to enable an individual at a place of business to be contacted." However, such information may qualify as "contact information" under FIPPA if the person is using their personal email address to conduct business or to allow someone to contact them for business purposes.[30] In this case, the emails were communicated only to allow these individuals to be contacted about business matters. Interior Health has not provided evidence that the use of these personal email addresses for business purposes was an error or done on an *ad hoc* basis.[31]

[35] None of the information discussed in the three paragraphs above is personal information, but the remainder of the information in dispute is.

[36] The applicant submits that if the records include opinions about issues or operations related to the daycare, then the identifying information of the person that provided the opinion can be removed such that the opinion is not about an identifiable individual.[32] Having reviewed this information myself, I find that none of it is the kind of purely "operational facts" alleged by the applicant. The third parties can be identified by their opinions, and this information cannot be severed in the manner suggested by the applicant.

[37] Lastly, I find the information about children who attended the daycare are about identifiable individuals. While these children are not named, the information is specific enough that it is reasonably capable of identifying a particular child when combined with other sources of information about the situation.

[38] In summary, I find that some of the information in dispute cannot be withheld under s. 22(1) because it is not about identifiable individuals or is contact information, but the remainder of the information withheld under s. 22(1) is personal information.

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[30] Order F22-13, 2022 BCIPC 15 (CanLII) at para 65.
[31] Order F23-43, 2023 BCIPC 51 (CanLII) at para 60.
[32] Applicant's submission at page 5.

Section 22(4) – not an unreasonable invasion of personal privacy

[39] The second step in the s. 22(1) analysis is to determine if the personal information falls into any of the categories of information listed in s. 22(4). Interior Health submits none of the s. 22(4) categories apply but does not provide reasons for how it reached this conclusion.[33]

[40] Based on my review of the records, I find that s. 22(4)(e) is relevant. Section 22(4)(e) says that disclosure of third-party personal information is not an unreasonable invasion of third-party personal privacy if the information is about the third party's position, functions, or remuneration as an officer or employee of a public body. Past orders have established that s. 22(4)(e) applies to objective, factual statements about what a public body employee did or said in the normal course of their duties.[34]

[41] Most of the information about the Interior Health employees relate entirely to these individuals' positions and functions as employees of a public body and, more specifically, their involvement in handling the daycare file. This information is about what these individuals did and said in the normal course of carrying out their job duties. I find that s. 22(4)(e) applies to this information and, therefore, its disclosure would not unreasonably invade any third parties' personal privacy. This finding does not apply to one sentence about an Interior Health employee's work status and leave, which I discuss below.

[42] I find that none of the other s. 22(4) categories are relevant to the personal information in dispute.

Section 22(3) – presumed an unreasonable invasion of personal privacy

[43] The third step in the s. 22(1) analysis is to determine whether any of the presumptions listed under s. 22(3) apply to the personal information in dispute. If one or more apply, then disclosure of that personal information is presumed to be an unreasonable invasion of personal privacy.

[44] After my findings that some of the information in dispute is not personal information and that other information falls under s. 22(4)(e), the rest of my s. 22(1) analysis will only consider the following personal information:

- Person A's thoughts, which includes information about children who attended the daycare, and
- an Interior Health employee's work status and leave.

[33] Interior Health's reply submission at page 2.
[34] 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.

[45] Interior Health submits that ss. 22(3)(a), 22(3)(b), and 22(3)(d) are relevant to some of the personal information in dispute but does not point to any specific information to which their arguments relate.

Section 22(3)(a) – medical history

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

[47] Based on my review of the information, I find there are two paragraphs in which Person A communicates what they have been told about the medical histories of children that attended the daycare. I find that this information relates to the children's medical histories and, therefore, its disclosure is presumed to be an unreasonable invasion of the children's personal privacy under s. 22(3)(a).

Section 22(3)(b) – investigation into a possible violation of law

[48] Section 22(3)(b) states that disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if the personal information "was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation".

[49] Interior Health submits the personal information withheld under s. 22(1) includes information it compiled as part of an investigation into a possible violation of law. Interior Health does not identify a specific "possible violation of law" it was investigating with respect to the records in dispute. However, Interior Health makes various references to the *Community Care and Assisted Living Act* (CCLA) throughout its submissions.

[50] For the purposes of s. 22(3)(b), the term "law" in FIPPA refers to "(1) a statute or regulation enacted by, or under the statutory authority of, the Legislature, Parliament or another legislature, (2) where a penalty or sanction could be imposed for violation of that law."[35] Additionally, "compiling" information involves some exercise of judgment, knowledge, or skill on behalf of the public body and, in this way, is distinct from passively collecting information.[36]

[51] CCLA requires licensees of daycare facilities to, among other things, operate in a manner that will promote the health, safety and dignity of persons in

[35] Order 01-12, 2001 CanLII 21566 (BC IPC) at para 17
[36] Order F19-02, 2019 BCIPC 2 (CanLII) at para 39; Order F23-104, 2023 BCIPC 120 (CanLII) at para 25.

care".[37] It also requires medical health officers, including those within Interior Health, to investigate every complaint that alleges a licensed daycare facility is being operated in a manner that does not comply with the CCLA, its regulations or the terms or conditions of the daycare's licence.[38] It also authorizes a medical health officer to suspend or cancel a licence, attach terms or conditions to a licence, or vary the existing terms and conditions of a licence, if the medical health officer is of the opinion that the licensee has contravened a relevant enactment of British Columbia or of Canada.[39]

[52] In this case, I find that Interior Health was conducting an investigation into whether the daycare was in contravention of the requirement to operate in a manner that promotes the health and safety of the persons in its care. On November 21, 2023, a medical health officer with Interior Health was notified that concerns about an odour at the daycare facility had escalated to a complaint about potential mould.[40] Interior Health opened an investigation regarding the complaint. By December 1, 2023, Interior Health had received the results of the mould and air quality testing and concluded that the complaint was unsubstantiated. However, had the complaint been substantiated the investigation could have resulted in a sanction, under the CCLA, in the form of the daycare's licence being cancelled, suspended, or varied.

[53] For these reasons, I find the information provided by Person A, which includes the information about the children, was compiled as part of Interior Health's complaint investigation. The records are clearly marked as being part of this complaint investigation. Section 22(3)(b) applies to this information and, therefore, its disclosure is presumed to be an unreasonable invasion of the personal privacy of Person A and the children.

[54] The personal information of the Interior Health employee is irrelevant to this investigation and, therefore, I find it was not compiled and is not identifiable as part of the investigation.

Section 22(3)(d) – employment history

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

[56] There is one sentence in the records in which an Interior Health employee discusses their work status and leave. Previous OIPC orders have found that this

[37] *Community Care and Assisted Living Act,* s. 7(1)(b)(ii).
[38] *Community Care and Assisted Living Act,* s. 15(1)(b)(ii).
[39] *Community Care and Assisted Living Act,* s. 13(1)(b).
[40] Records already disclosed to the applicant at page 2.

kind of personal information falls under s. 22(3)(d).[41] I adopt this approach and find that this personal information is related to this employee's employment history and, therefore, disclosure of this information is presumed to be an unreasonable invasion of this employee's personal privacy. Interior Health has not provided any submissions about how s. 22(3)(d) applies to any other information in dispute and I find that it does not.

[57] I have considered the other categories listed under s. 22(3) and find that none of them apply to the information in dispute in this inquiry.

Section 22(2) – all relevant circumstances

[58] The final step in the s. 22(1) analysis is to consider all relevant circumstances, including those listed in s. 22(2), to determine whether the disclosure of personal information would be an unreasonable invasion of a third party's personal privacy. It is at this stage of the analysis that the s. 22(3) presumptions may be rebutted.

[59] The applicant submits that s. 22(2)(a) and the fact that the information is not sensitive weigh in favour of disclosure of the personal information in dispute. Interior Health submits that ss. 22(2)(f), 22(2)(e), and 22(2)(h) weigh against disclosure.

Section 22(2)(a) – subject the activities of a public body to public scrutiny

[60] Section 22(2)(a) requires a public body to consider whether disclosure of the personal information in dispute is desirable for the purpose of subjecting the activities of the government of British Columbia or a public body to public scrutiny.

[61] The applicant submits that the information in dispute relates to Interior Health's oversight of mould contamination at a daycare and that transparency about how Interior Health handled this situation is desirable for subjecting Interior Health's activities to public scrutiny and for maintaining community trust in health and safety oversight.[42] In response, Interior Health submits that the parts of the records already disclosed to the applicant reveal the due diligence performed by various professionals regarding the investigation of the complaint.[43]

[62] I find that disclosure of the personal information in dispute is not desirable for the purpose of subjecting Interior Health's activities to public scrutiny. The personal information in dispute is not specifics about how Interior Health handled the complaint. Instead, the personal information in dispute is about an Interior

[41] Order F23-56, 2023 BCIPC 65 (CanLII) at para 71.
[42] Applicant's submission at page 7.
[43] Interior Health's reply submission at page 1.

Health employee's employment status and leave and Person A's thoughts about the potential mould, including information about the children. Disclosing this information would not subject Interior Health's activities to public scrutiny.

Section 22(2)(f) – supplied in confidence

[63] Section 22(2)(f) asks whether the personal information was supplied in confidence. In order for s. 22(2)(f) to apply, there must be evidence that an individual supplied the information and that they did so with an objectively reasonable expectation of confidentiality at the time the information was provided.[44]

[64] Interior Health submits that Person A's thoughts, including those about the children, were provided in confidence and that this factor weighs in favour of withholding these individuals' personal information.

[65] I found above that this information has been compiled and is identifiable as part of Interior Health's investigation into a possible violation of law. I find that this context suggests that the information may have been supplied in confidence. The discussion of the children's medical histories also suggests that Person A may have expected Interior Health to keep the information provided confidential. Given the context and the content of some the information, I find it is reasonable to conclude that Person A reasonably expected the personal information they supplied to be treated confidentially.[45] For this reason, I find s. 22(2)(f) weighs in favour of withholding this personal information.

Section 22(2)(e) and 22(h) – unfair damage to reputation or other harm

[66] Section 22(2)(e) asks whether disclosure will unfairly expose a third party to financial or other harm. Section 22(2)(h) requires a public body to consider whether disclosure of personal information may unfairly damage the reputation of any person referred to in the records. Interior Health submits that disclosure of the information provided by the third party may subject them to the harms considered by ss. 22(2)(e) and 22(2)(h).[46] These submissions amount to a bare assertion and there is no evidence nor any context, that supports this assertion. I find that Interior Health has not established that ss. 22(2)(e) or 22(2)(h) apply to any of the personal information in dispute.

[44] Order F22-13, 2022 BCIPC 15 (CanLII) at para 108; Order 01-36, 2001 CanLII 21590 (BC IPC) at paras 23-26
[45] For a similar finding, see Order F25-84, 2025 BCIPC 98 (CanLII) at para 118.
[46] Interior Health's reply submission at page 2.

Sensitivity

[67] Past orders have found that information being not sensitive can weigh in favour of disclosure.[47] The applicant submits that the content of the records is non-sensitive and operational in nature.

[68] I find that the information about the medical histories of the children is sensitive. I find that the information about the Interior Health employee's work status and leave is somewhat sensitive in the sense that it may reveal information about their personal circumstances.

[69] However, the other information provided by Person A is not sensitive in nature. The information provided by Person A was provided in their business capacity and is strictly about a business matter

Other relevant circumstances

[70] I have considered whether there are any other relevant circumstances, including those listed under s. 22(2), that weigh for or against finding disclosure would unreasonably invade a third party's personal privacy. I find that no such circumstances exist.

Conclusion, s. 22(1)

[71] I found above that some of the information in dispute is not personal information because it is either not about identifiable individuals or is contact information. I found that the rest of the information in dispute is personal information.

[72] I found that some of the personal information related to the position or functions of Interior Health employees within the meaning of s. 22(4)(e) and, therefore, cannot be withheld under s. 22(1).

[73] I found that s. 22(3)(a) applied to some personal information related to the medical histories of third parties, s. 22(3)(b) applied to the information provided by Person A, and s. 22(3)(d) applied to information about an Interior Health employee's employment status and leave.

[74] I considered whether the personal information had been supplied in confidence and whether it is sensitive in nature.

[75] Taking all relevant circumstances into account, I find that the presumptions under ss. 22(3)(a) and 22(3)(d) that apply to the personal

[47] Order F25-89, 2025 BCIPC 103 (CanLII) at para 51; Order F16-52, 2016 BCIPC 58 (CanLII) at para 91.

information in dispute are not rebutted. This personal information is about individuals' medical or employment histories and is, to varying degrees, sensitive in nature. I find its disclosure would unreasonably invade these individuals' personal privacy.

[76] However, the presumption under s. 22(3)(b) has been rebutted. Person A provided this information in the context of an investigation under the CCLA and supplied it in confidence. However, this information is strictly about a business matter and relays an organization's perspective about the concerns regarding the potential mould. It does not contain Person A's personal thoughts or feelings and instead is purely a communication on behalf of the organization they represent. For these reasons, I find disclosure of this personal information would not be an unreasonable invasion of Person A's personal privacy.

CONCLUSION

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

1. Interior Health is not authorized to withhold any information under s. 13(1).
2. Interior Health is not required to withhold any information under s. 21(1).
3. Subject to item #4 below, I require Interior Health to refuse access to some of the personal information it withheld under s. 22(1).
4. I require Interior Health to give the applicant access to the information it is not authorized or required to withhold under ss. 13(1), 21(1), or 22(1). I have highlighted this information in pink in the records package that I will provide to Interior Health along with this order.
5. I require Interior Health to copy the OIPC registrar of inquiries on the cover letter and records it sends to the applicant in compliance with this order.

[78] Pursuant to s. 59(1) of FIPPA, Interior Health is required to comply with this order by **March 25, 2026**.

February 10, 2026

ORIGINAL SIGNED BY

Rene Kimmett, Adjudicator

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