



Order P26-02

ASK WELLNESS SOCIETY

Elizabeth Vranjkovic
Adjudicator

February 20, 2026

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Summary: An individual requested access to his personal information from ASK Wellness Society (the Society) under the *Personal Information Protection Act* (PIPA). The individual complained to the Office of the Information and Privacy Commissioner (OIPC) that the Society did not respond to his request within the timelines in s. 29(1) (time limit for response) of PIPA. The Society subsequently applied under s. 37 of PIPA for authorization to disregard the request. The adjudicator found that the Society did not meet its obligations under s. 29(1) and ordered the Society to respond to the request in compliance with the requirements of ss. 28 (duty to assist) and 30 (content of response). The adjudicator declined to consider the Society's s. 37 application because the request was already overdue when the application was made.

Statutes Considered: *Personal Information Protection Act*, [SBC 2003], c. 63, ss. 28, 28(b), 29(1), 29(2), 30, 30(1), 37, 37(a), 37(b) and 52.

INTRODUCTION

[1] Under the *Personal Information Protection Act* (PIPA), individuals have the right to access their personal information under the control of an organization.

[2] Section 29(1) of PIPA provides that an organization must respond to an individual (applicant) who has requested access to their personal information no later than 30 days after receiving the request.¹

[3] Section 37 allows an organization to apply to the Office of the Information and Privacy Commissioner (OIPC) for authorization to disregard an applicant's request where the request (a) would unreasonably interfere with the operations

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

of the organization because of the repetitious or systematic nature of the requests, or (b) where it is frivolous or vexatious.

[4] In this matter, an individual requested access to his personal information from ASK Wellness Society (the Society). The individual then complained to the OIPC that the Society did not respond to his request within the timelines set out in s. 29. The Society subsequently applied to the OIPC under s. 37 for authorization to disregard the request. Given the overlap between the individual's complaint and the Society's application, I will decide both those matters in this order.

Preliminary issue – mediation material

[5] The individual's supporting documents contain emails between him and the assigned OIPC investigator during mediation.² Mediation takes place on a without prejudice basis, which means that the parties understand that mediation material will not be used during any subsequent proceedings including this inquiry. It would be inappropriate for me to consider any information from mediation without the consent of the opposing party. There is no evidence of any such consent in this case. Given the importance of preserving the without prejudice nature of the OIPC's mediation, I will not consider the emails between the individual and the OIPC investigator while deciding the issues before me.

ISSUES

[6] The issues to be decided in this inquiry are as follows:

1. Did the Society respond to the request within the timelines set out in s. 29(1)?
2. Is the Society authorized to disregard the request under s. 37(a) or s. 37(b)?
3. What is the appropriate remedy?

[7] PIPA does not assign a burden of proof under either ss. 29 or 37. In previous orders dealing with s. 29, the OIPC has stated that as a practical matter, each party should submit arguments and evidence to support its position under these provisions.³ Previous orders dealing with s. 37 have established that the organization should provide evidence to demonstrate that it is entitled to relief under s. 37.⁴

² Appendix B to the individual's January 12, 2026 supplemental submission.

³ Order P24-02, 2024 BCIPC 6 at para 4; Order P25-06, 2025 BCIPC 37 at para 5.

⁴ Order P24-04, 2024 BCIPC 18 at para 6; Order P22-01, 2022 BCIPC 12 at para 3, citing Order P14-01, 2014 BCIPC 5 at para 2; and Order P10-01, 2010 BCIPC 21 at para 9.

DISCUSSION

Background

[8] The individual was a resident in a housing facility operated by the Society. On June 21, 2025, the individual requested access to all his personal information under the control of the Society, including the following:

- Copies of all written warnings, incident reports, wellness check notes/documentation, and all other “behaviour-related” documentation involving him;
- All emails, memos and other internal communications that mention him and relate to his tenancy;
- All recorded video footage from the previous 12 months from three cameras, including all footage in which he appears;
- Records of all complaints made against him; and
- All documentation sent to or received from BC Housing relating to him or his tenancy.

[9] On August 5, 2025, the Society provided the individual with some, but not all, of the requested personal information.

Time limit for response, s. 29

[10] Section 29 imposes obligations on organizations to respond to requests for personal information. Section 29 reads as follows:

Time limit for response

29(1) Subject to this section, an organization must respond to an applicant not later than

(a) 30 days after receiving the applicant’s request, or

(b) the end of an extended time period if the time period is extended under section 31.

(2) If an organization asks the commissioner under section 37 for authorization to disregard a request, the 30 days referred to in subsection (1) of this section does not include the period from the start of the day the request is made under section 37 to the end of the day a decision is made by the commissioner with respect to that application.

[11] Additionally, ss. 28 and 30 establish what is required from an organization when responding to a request from an applicant. Section 28(b) requires an organization to make a reasonable effort to respond to each applicant as

accurately and completely as reasonably possible. The requirements of s. 28(b) are informed by s. 30(1), which reads as follows:

Content of response

30(1) In a response under section 28, if access to all or part of the personal information requested by the applicant is refused, the organization must tell the applicant

- (a) the reasons for the refusal and the provision of this Act on which the refusal is based,
- (b) the name, position title, business address and business telephone number of an officer or employee of the organization who can answer the applicant's questions about the refusal, and
- (c) that the applicant may ask for a review under section 47 within 30 days of being notified of the refusal.

[12] In short, s. 28 requires an organization to make a reasonable effort to respond to an applicant as accurately and completely as reasonably possible, s. 29 says when a response must be provided, and s. 30 specifies what an organization must tell an applicant in its response.

When was the Society's deadline to respond to the request?

[13] As set out above, s. 29 requires an organization to respond to an applicant not later than 30 days after receiving the applicant's request, unless certain conditions described in s. 29 apply.

[14] The individual submits that the Society was required to respond by July 21, 2025.⁵

[15] There is no dispute that the Society received the request on June 21, 2025. PIPA defines "day" to exclude holidays and Saturdays, and the *Interpretation Act* says that a holiday includes Sunday, Canada Day, and British Columbia Day.⁶ Therefore, in accordance with the definitions in *PIPA* and the *Interpretation Act*, 30 days from June 21, 2025 is August 5, 2025.⁷

[16] While s. 29(2) suspends the 30-day time period when an organization has applied under s. 37 for authorization to disregard an access request, that suspension operates only from the day the s. 37 application is made to the day the OIPC issues a decision about it. In this case, the Society did not apply for

⁵ Individual's November 14, 2025 submission at para 5.

⁶ *Interpretation Act*, RSBC 1996, c 238, s. 29.

⁷ The parties do not say that the time for responding to the request was extended and I find that it was not.

relief under s. 37 until after the 30-day time period had expired. Therefore, I find that the 30-day time period for the Society to respond to the request was not suspended under s. 29(2), and the Society was required to respond to the request on or before August 5, 2025.

Did the Society meet the deadline to respond to the request?

[17] The Society says that it provided the individual with a “full hard copy of his program participant agreement/file, critical incident, and case notes on August 5, 2025.”⁸ The Society says that “any further requests” including the individual’s request for video footage would “violate” s. 23(4)(c) because the information would contain the personal information of third parties. The Society also says that the individual’s requests for information regarding BC Housing communications should be directed to BC Housing.⁹

[18] The individual acknowledges that the Society provided him a program agreement on August 5, 2025, but says the Society did not provide any emails, notes, photos, video, or a “s. 29 decision letter.”¹⁰

[19] I find that the Society provided the individual with access to some of his personal information on August 5, 2025, which is within the time limit for a response.

[20] However, it is clear from the Society’s inquiry submissions that it refused the individual access to some of the requested personal information because it believed s. 23(4)(c) applied to some of it and that some of it should have been requested from BC Housing. As a result, the Society’s response to the individual was required to comply with s. 30(1), which specifies the information an organization must include in its response to an individual if it is refusing access to all or part of the requested personal information: the reasons for the refusal, the contact information of an individual available to answer questions about the refusal, and their right to ask for a review of the refusal.

[21] There is no evidence before me that the Society provided the individual with a response that met the requirements of s. 30(1). As a result, I conclude that the Society did not satisfy its obligation under s. 29 to respond to the request on or before August 5, 2025. I find that a response that complies with PIPA is overdue.

⁸ Society’s October 23, 2025 submission at paras 5 and 8.

⁹ Society’s October 23, 2025 submission at paras 6, 8, 11, and 12.

¹⁰ Individual’s November 14, 2025 submission at para 3.

Should I consider the Society’s application for authorization to disregard the request?

[22] Section 37 provides:

If asked by an organization, the commissioner may authorize the organization to disregard [requests for personal information] that

- (a) would unreasonably interfere with the operations of the organization because of the repetitious or systematic nature of the requests, or
- (b) are frivolous or vexatious.

[23] Section 37 gives the OIPC a broad discretion to consider an application for authorization to disregard a request for personal information. However, the OIPC has repeatedly made clear that authorization to disregard a request is an “extraordinary remedy” that should only be granted after careful consideration and in exceptional cases.¹¹ Owing to the extraordinary nature of the relief, the OIPC uses its discretion under s. 37 judiciously, particularly when the organization applies for authorization to disregard an access request after the deadline imposed by s. 29 for it to respond to that same access request.¹² A decision on whether to consider granting s. 37 relief for overdue requests will turn on the specific circumstances of each case.¹³

[24] The wording of s. 37 of PIPA is very similar to the wording of s. 43 of the *Freedom of Information and Protection of Privacy Act* (FIPPA).¹⁴ While decisions made under FIPPA are not binding on issues to be decided under PIPA, when interpreting a statute, it is appropriate to refer to similar language or provisions in other statutes dealing with the same subject matter.¹⁵ Both FIPPA and PIPA have similar provisions regarding response timelines and applications for authorization to disregard requests. Previous orders and decisions have considered the interpretation of s. 43 of FIPPA to be helpful in interpreting s. 37 of PIPA. I find it appropriate to consider the relevant FIPPA jurisprudence in determining whether to consider the Society’s s. 37 application.

[25] Adjudicators have considered granting relief under s. 43 of FIPPA for overdue requests when the access applicant was responsible for contributing to the public body’s inability to respond in time to the access request, for instance by overwhelming the public body with other access requests and with follow-up

¹¹ Order F23-37, 2023 BCIPC 44 at paras 13-14.

¹² Order P24-12, 2024 BCIPC 109 at para 27.

¹³ Order P24-04, 2024 BCIPC 18 at para 23, citing Order F23-90, 2023 BCIPC 106 at para 19.

¹⁴ *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165.

¹⁵ Ruth Sullivan, *Sullivan on the Construction of Statutes*, 6th ed. (Markham, Ont.: LexisNexis Canada, 2014) at para 13.25. See also Order P24-06, 2024 BCIPC 29 at para 66; Order P19-03, 2019 BCIPC 42 at para 23.

issues and questions, and when there was no evidence that the public body had deliberately neglected the overdue request.¹⁶

[26] In this case, the Society was required to respond to the request by August 5, 2025 and I found above that it did not do so. The request is therefore considered an overdue request. Since the Society did not respond to the request within the legislated deadline, I must decide whether the OIPC should exercise its discretion to consider the Society's application to disregard the overdue request.

[27] In their submissions, the parties did not address the issue of whether it is appropriate to consider an application to disregard a request when that application is made after the deadline to respond to the request. As a result, I wrote to the parties to seek submissions about this issue, and both parties provided supplemental submissions in response.¹⁷

[28] The individual submits that I should not consider the Society's s. 37 application for the following reasons:

- Considering the Society's s. 37 application would undermine the statutory timelines in PIPA;
- Section 37 is an extraordinary remedy that should be used sparingly and should not be used to excuse non-compliance with deadlines;
- The Society has repeatedly missed timelines and taken inconsistent positions so I should not exercise discretion in their favour; and
- The Society's claim that responding would require reviewing a large amount of video footage does not justify lateness.¹⁸

[29] The Society says that the individual is a "litigious litigant" who has brought forward multiple frivolous Residential Tenancy Branch (RTB) matters and "broad and nonsensical PIPA" requests, which overwhelmed the Society's limited resources.¹⁹ The Society refers to three OIPC decisions about s. 43 of FIPPA, in which it says adjudicators considered overdue requests as part of s. 43 applications because the volume of the access requests had overwhelmed and overburdened the public bodies and there was no evidence the public bodies had deliberately neglected the requests.²⁰

¹⁶ Decision F06-12, 2006 CanLII 42644 (BCIPC) at para 26; Order F20-15, 2020 BCIPC 17 at para 10; Decision F06-03, 2006 CanLII 13535 (BCIPC) at para 30.

¹⁷ Adjudicator's December 19, 2025 letter to the parties.

¹⁸ Individual's December 18, 2025 supplemental submission.

¹⁹ Society's January 12, 2026 supplemental submission as paras 4-5.

²⁰ Society's January 12, 2026 supplemental submission at para 12. The Society refers to Orders F06-03 and F06-12; however, those orders are unrelated to the issues in dispute. I find that the Society likely intended to refer to Decision F06-03, 2006 CanLII 13535 (BC IPC) and Decision F06-12, 2006 CanLII 42644 (BC IPC).

[30] In response, the individual disputes the Society's characterization of him as litigious and explains that he only filed RTB disputes in response to the Society's actions. The individual also says that he made one FIPPA request, which the Society refused, so he made the PIPA request at issue here.²¹

[31] The parties also discuss the merits of the s. 37 application in their supplemental submissions. I will not discuss those aspects of their submissions in this order because I find them irrelevant to the issue I asked them to address in their supplemental submissions.

[32] I find the circumstances here differ from those in the FIPPA decisions in which adjudicators exercised their discretion to consider applications to disregard overdue requests. In those decisions, the access applicants had between 13 and 82 active access requests with the relevant public bodies, so the adjudicators were satisfied that the volume of requests had overburdened and overwhelmed the public bodies.²² Here, although the Society refers to "multiple" RTB matters and "broad and nonsensical" PIPA requests, it provides no details about how many RTB matters and requests for personal information the individual made. The Society also does not adequately explain how those matters impaired its ability to respond to the request. As a result, I am not satisfied that the individual overburdened or overwhelmed the Society.

[33] Additionally, I find that the Society has not adequately explained why it did not use the mechanisms available to it under PIPA to respond to the request within the 30-day time period for a response. If the Society needed more time, for example, because of the volume of video footage, then it should have taken a time extension or requested an extension from the OIPC under s. 31. The Society also could have applied for authorization to disregard the request at any point within the 30-day time period for a response.

[34] I find that none of the factors that have persuaded previous adjudicators to consider applications to disregard overdue access requests assist the Society here. I therefore decline to consider the Society's application to disregard the request.

What is the appropriate remedy?

[35] Section 52(1) says that on completing an inquiry under s. 50, the commissioner must dispose of the issues by making an order under s. 52.

[36] I found above that the Society failed to perform its duty under s. 29. The usual remedy in cases involving s. 29 is to order the organization to respond to

²¹ Individual's January 12, 2026 supplemental submission at paras 6-7.

²² Decision F06-03, 2006 CanLII 13535 (BC IPC) at paras 29-30; Decision F06-12, 2006 CanLII 42644 (BC IPC) at paras 13 and 29; and Order F20-15, 2020 BCIPC 17 at paras 1 and 9-11.

the applicant's access request, in accordance with ss. 28 and 30, by a particular date.²³

[37] I find that ordering the Society to respond to the request in accordance with ss. 28 and 30, and to do so by a specific date, is an appropriate remedy.

[38] Neither party says anything about what date would be appropriate. However, I understand from the Society's submission that it has concerns about the amount of time reviewing surveillance footage would take.²⁴

[39] I accept that reviewing the surveillance footage to identify and provide the individual's personal information will take a significant amount of time. As a result, I find that a 30 day response period would be appropriate.

Additional relief sought

[40] The individual seeks several remedies beyond the relief set out above, including:

- an affidavit from the Society outlining details of its searches conducted and other matters with respect to his personal information;
- confirmation of a "litigation hold" and that no responsive records have been deleted or overwritten by the Society;
- copies of the Society's relevant privacy/retention/CCTV policies; and²⁵
- a costs award against the Society.²⁶

[41] The individual also requests that I order the Society to provide a log of its uses and disclosures of his personal information.

[42] Section 52 does not empower me to order the Society to provide the requested affidavits, "confirmation of a litigation hold," policies, or costs award.

[43] Additionally, the individual did not ask for information about the Society's use and disclosure of his personal information in the request, so I do not find it appropriate to order the Society to provide that information. However, the individual may make a separate request for this information from the Society under ss. 23(1)(b) and (c).²⁷

²³ Order P25-06, 2025 BCIPC 37 at para 21; Order P23-11, 2023 BCIPC 88 at para 45.

²⁴ Society's October 23, 2025 submission at para 11 and November 12, 2025 reply submission at page 2.

²⁵ Individual's deemed refusal response submission at page 2.

²⁶ Individual's January 12, 2026 supplemental submission at paras 3 and 16.

²⁷ Sections 23(1)(b) and (c) provide that on the request of an individual, an organization must provide the individual with information about the ways in which their personal information has been and is being used by the organization, and the names of the individuals and organizations to whom the individual's personal information has been disclosed by the organization.

[44] For these reasons, I decline to grant any of the additional relief sought by the individual.

CONCLUSION

[45] For the reasons given above, I make the following orders under ss. 52(3) and (4) of PIPA:

1. I require the Society to respond to the request. In doing so, the Society must comply with ss. 28 and 30 of PIPA.
2. I require the Society to provide the OIPC registrar of inquiries with a copy of the response it sends to the individual in compliance with item 1 above.
3. I require the Society to comply with the above orders by April 7, 2026.

February 20, 2026

ORIGINAL SIGNED BY

Elizabeth Vranjkovic, Adjudicator

OIPC File No.: P25-01362 & P25-02058