



OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
FOR BRITISH COLUMBIA

Order F26-15

MINISTRY OF FORESTS

Elizabeth Vranjkovic
Adjudicator

March 5, 2026

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Summary: An applicant made a request under the *Freedom of Information and Protection of Privacy Act* (FIPPA) to the Ministry of Forests (Ministry) for access to certain records created by the BC Wildfire Service in 2023. The Ministry disclosed responsive records but withheld some information under ss. 13(1) (advice or recommendations) and 22(1) (unreasonable invasion of a third party's personal privacy) of FIPPA. The applicant complained that the Ministry did not conduct an adequate search for records as part of its duty to assist under s. 6(1). The adjudicator found that the Ministry met its duty to assist under s. 6(1). The adjudicator also found that the Ministry was not authorized to refuse to disclose the information in dispute under s. 13(1) but was required to refuse to disclose some of the information in dispute under s. 22(1). The adjudicator ordered the Ministry to give the applicant access to the information it was not authorized or required to refuse to disclose.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, ss. 6(1), 13, 13(1), 22, 22(1), 22(2), 22(2)(a), 22(2)(e), 22(2)(f), 22(2)(h), 22(3), 22(3)(a), 22(3)(d), 22(4) and 22(4)(e).

INTRODUCTION

[1] A journalist (applicant) made a request under the *Freedom of Information and Protection of Privacy Act* (FIPPA) to the Ministry of Forest (Ministry) for access to all 24 Hour Incident Reports created by the BC Wildfire Service (Wildfire Service) between April 1, 2023 and September 11, 2023.

[2] The Ministry disclosed responsive records but withheld information in those records under ss. 13(1) (advice or recommendations), 14 (solicitor-client privilege), 15(1)(a) (harm to law enforcement), 15(1)(c) (harm to effectiveness of

investigative techniques and procedures) and 22(1) (unreasonable invasion of a third party's personal privacy) of FIPPA.¹

[3] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review the Ministry's decision. The applicant also complained that the Ministry did not conduct an adequate search for responsive records as required by s. 6(1) of FIPPA.

[4] Mediation by the OIPC did not resolve the issues between the parties and the applicant requested an inquiry. Given the overlap between the request for review and the adequate search complaint, the OIPC set them down to be heard together in this inquiry.

[5] Prior to the inquiry, the Ministry reconsidered its severing decision. As a result, ss. 14, 15(1)(a) and 15(1)(c) are no longer in dispute.

Preliminary matter – new issue

[6] The applicant says that s. 25(1) (disclosure clearly in the public interest) applies to most of the information in dispute given the significance of the events described in the records and their impact on public safety during wildfires.²

[7] Section 25(1) is not listed in the fact report or the notice of inquiry. The notice of inquiry states that parties may not add new issues to the inquiry without the OIPC's prior consent. Where a party has not sought prior approval to add a new issue and there are no exceptional circumstances which strongly favour adding the issue, the OIPC will usually decline to add a new issue after an inquiry has begun.³

[8] The applicant did not seek or receive permission to add s. 25(1) before raising it in their submission. The applicant also does not explain why they did not raise the s. 25(1) issue sooner or identify any exceptional circumstances which would warrant a departure from the OIPC's general practice in this case.

[9] I see no exceptional circumstances which favour adding s. 25(1) to the inquiry at this late stage, so I decline to do so. However, in my view, some of the applicant's arguments about s. 25(1) are also relevant to s. 22(2)(a) (disclosure desirable for public scrutiny of public body). Therefore, notwithstanding my decision not to add s. 25(1) as an issue, I will consider the relevant parts of what the applicant says about s. 25(1) in my s. 22(2)(a) analysis below.

¹ For the remainder of this Order, when I refer to sections of an enactment, I am referring to sections of FIPPA.

² Applicant's response submission at page 4.

³ Order F12-07, 2012 BCIPC 10 at para 6; Order F10-37, 2010 BCIPC 55 at para 10.

ISSUES

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

1. Did the Ministry conduct an adequate search for responsive records as required under s. 6(1)?
2. Is the Ministry authorized to refuse to disclose the information in dispute under s. 13(1)?
3. Is the Ministry required to refuse to disclose the information in dispute under s. 22(1)?

[11] FIPPA does not set out the burden with respect to s. 6(1). Past orders have found that the burden is on the public body to show that it has performed its duties under s. 6(1).⁴

[12] Under s. 57(1), the Ministry has the burden of proving that the applicant has no right to access the information in dispute under s. 13(1).

[13] Under s. 57(2), the applicant has the burden of proving that disclosure of the information in dispute under s. 22(1) would not unreasonably invade a third party's personal privacy. However, the Ministry has the initial burden of proving the information in dispute qualifies as personal information under s. 22(1).⁵

DISCUSSION

Background

[14] The Wildfire Service is an agency within the Ministry that handles wildfire management in BC. The Wildfire Service prepares and issues internal safety lesson-related reports and bulletins following serious injuries or near misses, which are distributed to all Wildfire Service staff. These reports include Follow-up Reports, 24 Hour Incident Reports and Rapid Lesson Sharing Reports. It also sometimes prepares Facilitated Learning Analysis Reports following serious or complex safety incidents.

Information at issue

[15] The responsive records are 108 pages with 38 pages containing the information in dispute.⁶

⁴ Order F20-13, 2020 BCIPC 15 at para 13, for example.

⁵ Order 03-41, 2003 CanLII 49220 (BC IPC) at paras 9-11.

⁶ The fact report says there are 107 pages of responsive records. However, the Ministry says, and I can see, that there are 108 pages of responsive records.

[16] Some of the information in dispute is in a 56-page Facilitated Learning Analysis Report about a specific workplace incident in which a Wildfire Service employee was injured (the FLA Report).

[17] The remainder of the information in dispute is in 24 Hour Incident Reports, Rapid Lesson Sharing Reports, and a Follow-up Report, each of which is about a different workplace incident and ranges from one to three pages in length (the Other Reports).

Duty to assist, s. 6(1)

[18] Section 6(1) requires the head of a public body to make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.

[19] Section 6(1) imposes a number of obligations on a public body. The applicant's complaint in this case is that the Ministry did not adequately search for records responsive to the access request.

[20] It is well established that s. 6(1) requires a public body to conduct an adequate search for records.⁷ A public body's search efforts should be those that a fair and rational person would find acceptable. Section 6(1) does not impose a standard of perfection but rather a standard of reasonableness.⁸

[21] Former Commissioner Loukidelis said that in order to demonstrate that it conducted an adequate search, a public body should:

...candidly describe all the potential sources of records, identify those its searched and identify any sources that it did not check (with reasons for not doing so). It should also indicate how the searches were done and how much time its staff spent searching for the records.⁹

[22] The applicant says the Ministry did not meet its duty to assist under s. 6(1) because it did not provide safety documents related to three high-profile events during the 2023 wildfire season: a fatal incident on July 13, an event on August 17, and an event on August 18. They submit that documents related to these incidents would have been responsive to their request.¹⁰ As a result of these missing documents, the applicant questions the adequacy of the Ministry's search and whether any other responsive records were not provided.¹¹

⁷ Order 02-18, 2002 CanLII 42443 (BC IPC) at para 7.

⁸ Order 02-18, 2002 CanLII 42443 (BC IPC) at para 7.

⁹ Order 00-32, 2000 CanLII 14397 (BC IPC) at page 5.

¹⁰ Applicant's response submission at page 3.

¹¹ Applicant's response submission at page 4.

[23] The Ministry submits that in searching for responsive records, it made every reasonable effort and did everything a fair and rational person would expect to be done in the circumstances.¹² To illustrate its search efforts, the Ministry relies on evidence from a Wildfire Service Deputy Manager, who says:

- The analyst who worked on this access request and the Wildfire Service’s Safety and Well-Being Officer broadly interpreted the access request as being for all safety lesson-related reports and bulletins issued by the Wildfire Service during the time period of the request.
- As a result, the Ministry disclosed 24 Hour Incident Reports, Rapid Lesson Sharing Reports, Follow-up Reports, Safety Bulletins, Safety Learning Bulletins, and Facilitated Learning Analysis Reports.
- The analyst confirmed with the Safety and Well-Being Officer that all safety-related reports and bulletins were in one location on the Wildfire Service intranet site. The analyst also confirmed with the Wildfire Service Internal Communications Team that all safety-related reports and bulletins issued by the Wildfire Service during the time period had been properly uploaded to that location.
- She has no reason to believe that any areas of the Ministry not already searched would have additional responsive records.
- The Ministry spent under three hours searching for and retrieving the responsive records.¹³

[24] The Ministry says that the responsive records include reports regarding the August 17 and 18 events.¹⁴ The Deputy Manager says that there was no 24 Hour Incident Report prepared about the July 13 fatal incident. She explains that a Facilitated Learning Analysis Report was prepared about that incident, but it is not responsive to the access request because it was not completed by September 11, 2023.¹⁵

[25] The applicant provided a copy of the reports they say are missing regarding the August 17 and 18 events, and I can see that those reports are included in the responsive records. I also accept the Deputy Manager’s explanation of why the responsive records do not contain a report regarding the July 13 fatal incident. Therefore, I find that the reports the applicant says are missing from the responsive records are not actually missing.

[26] Additionally, after reviewing the Deputy Manager’s affidavit evidence, I find that the Ministry’s search efforts were fair and reasonable, and I find the process described by the Deputy Manager to be logical.

¹² Ministry’s initial submission at para 59.

¹³ Deputy Manager’s affidavit at paras 10-11, 14, and 27-37.

¹⁴ Ministry’s reply submission at para 6.

¹⁵ Ministry’s reply submission at paras 7-8.

[27] For these reasons, I conclude that the Ministry conducted an adequate search for responsive records as required under s. 6(1).

Advice or recommendations, s. 13

[28] Section 13(1) authorizes a public body to refuse to disclose information that would reveal advice or recommendations developed by or for a public body or a minister.

[29] 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.¹⁶

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

[31] “Recommendations” include material relating to a suggested course of action that will ultimately be accepted or rejected by the person being advised.¹⁷ The term “advice” is broader than “recommendations”¹⁸ and includes an opinion that involves exercising judgment and skill to weigh the significance of matters of fact.¹⁹ Section 13(1) also encompasses information that would allow an individual to make accurate inferences about any advice or recommendations.²⁰

[32] If the information is “advice” or “recommendations”, the next step is to determine whether any of the circumstances in ss. 13(2) or 13(3) apply. If the 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).

Would disclosing the disputed information reveal advice or recommendations?

[33] The information in dispute under s. 13(1) is a sentence in the FLA Report that reveals how long an employee had been working at a specific location, information about that employee’s emotional state, and that employee’s opinion about the Wildfire Service’s response to a workplace incident.²¹

¹⁶ See for example Order F15-33, 2015 BCIPC 36 at para 15.

¹⁷ *John Doe v Ontario (Finance)*, 2014 SCC 36 at para 23.

¹⁸ *Ibid* at para 24.

¹⁹ *College of Physicians of BC v British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 at para 113.

²⁰ Order F19-28, 2019 BCIPC 30 at para 14.

²¹ Information on page 31.

[34] The Deputy Manager says that the sentence is advice or recommendations developed by the employee on a proposed future course of action that could be accepted or rejected by Wildfire Service management.

[35] I find it clear that the duration of the employee's employment at a specific location and their emotional state is not advice or recommendations. Additionally, in my view, the employee's opinion is not the result of the employee exercising judgment and skill to weigh the significance of matters of fact, but instead is the employee's personal, subjective feelings about the Wildfire Service's response to a workplace incident. Although the employee's opinion reveals their personal preference about what might have occurred after the incident, I am not satisfied they were suggesting a course of action that will ultimately be accepted or rejected by Wildfire Service management. As a result, I find that the employee's opinion is not advice or recommendations.

[36] For these reasons, I find that disclosing the information withheld under s. 13(1) would not reveal advice or recommendations so s. 13(1) does not apply.

Unreasonable invasion of a third party's personal privacy, s. 22(1)

[37] Section 22(1) requires a public body to refuse to disclose personal information if its disclosure would be an unreasonable invasion of a third party's personal privacy.²²

[38] There are four steps in the s. 22(1) analysis,²³ and I will apply each step in the analysis under the headings that follow.

Personal information

[39] The first step in any s. 22 analysis is to determine if the information in dispute is personal information.

[40] FIPPA defines personal information as "recorded information about an identifiable individual other than contact information."²⁴ 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.²⁵

[41] FIPPA defines contact information as "information to enable an individual at a place of business to be contacted, and includes the name, position name or

²² Schedule 1 of FIPPA says: "third party" in relation to a request for access to a record or for correction of personal information, means any person, group of persons, or organization other than (a) the person who made the request, or (b) a public body.

²³ Order F15-03, 2015 BCIPC 3 at para 58 provides a summary of those four steps.

²⁴ Schedule 1.

²⁵ Order F19-13, 2019 BCIPC 15 at para 16, citing Order F18-11, 2018 BCIPC 14 at para 32.

title, business telephone number, business address, business email or business fax number of the individual.”²⁶ Whether information is contact information depends on the context in which it appears.²⁷

Parties’ submissions, personal information

[42] The Ministry says all of the information in dispute under s. 22(1) is personal information. It says that some of the information would directly reveal the identity of an employee who was injured in a workplace incident and the remainder would allow an accurate inference to be drawn with respect to the identity of Wildfire Service employees who were involved in other workplace incidents.²⁸

[43] For those employees whose identities would not be directly revealed by the information in dispute, the Ministry relies on the “mosaic effect,” which is the principle that seemingly innocuous information can be combined with already available sources of information to render an individual identifiable to yield information which is excepted from disclosure under FIPPA.²⁹

[44] Specifically, the Ministry says that although most of the employees are not identified by name in the records, the records contain details which could identify them when combined with other information. The Ministry submits that the small size of Wildfire Service crews and the fact that they are assigned to specific areas and specific fires on specific dates means the risk of re-identifying employees is not theoretical.³⁰ The Ministry does not explain anything further about the size or assignment of Wildfire Service crews in the incidents described in the records.

[45] The applicant says that during the 2023 wildfire season, the Wildfire Service had 1,183 frontline firefighters operating in crews of four to 20 people, often deployed far from their bases. They say that describing a crew as having worked on a wildfire in a particular area does not publicly identify them because they easily could and often do come from anywhere in the province. The applicant submits that many descriptions of a particular crew or firefighter could reasonably apply to hundreds of firefighters.³¹

Analysis and findings, personal information

²⁶ Schedule 1.

²⁷ Order F20-13, 2020 BCIPC 15 at para 42.

²⁸ Ministry’s initial submission at para 82.

²⁹ Ministry’s initial submission at paras 84-86.

³⁰ Ministry’s initial submission at paras 87-88.

³¹ Applicant’s response submission at page 5.

[46] The information in dispute under s. 22(1) consists of information about several workplace incidents, including descriptions of how they occurred and information about Wildfire Service employees injured in those incidents (injured employees). The Ministry is also withholding information about two employees who were involved in the response to a workplace incident (other employees) and information about two unnamed individuals who are not Ministry employees but were involved in a workplace incident.

[47] I find that most of the information in dispute is about identifiable individuals, specifically the injured employees and the other employees. Most of these individuals are not identified by name in the records and I am not persuaded that they would be identifiable to the general public. However, I find that they are identifiable because the Ministry has disclosed sufficient detail in the records that they could be identified by other Wildfire Service employees who worked with them during the time of the relevant workplace incidents. I also find that none of this information is contact information, so it is all personal information.

[48] However, I find that the following information is not about an identifiable individual:

- The purpose of work on the day of a workplace incident;³²
- Information about a fire camp evacuation;³³ and
- Information about unnamed individuals who are not Ministry employees.³⁴

[49] There is no indication on its face that this information is reasonably capable of identifying a particular individual, either alone or when combined with other available sources of information. Also, the Ministry does not adequately explain how any of this information is about an identifiable individual. Therefore, this information is not personal information and the Ministry is not required to withhold it under s. 22(1).

Disclosure not an unreasonable invasion of privacy, s. 22(4)

[50] The second step in the s. 22 analysis is to consider s. 22(4), which sets out circumstances where disclosure is not an unreasonable invasion of a third party's personal privacy. If the disputed information falls into one of the enumerated circumstances, s. 22(1) does not apply and the public body must disclose the information.

³² Information on page 4.

³³ Information on page 63.

³⁴ Information on page 102.

[51] The Ministry says that none of the s. 22(4) circumstances apply to the personal information.³⁵ The applicant does not raise s. 22(4)(e), but I find some of their submissions to be relevant to that circumstance, so I have considered it below.

Public body employee's position, functions or remuneration, 22(4)(e)

[52] Section 22(4)(e) says that disclosure of personal information is not an unreasonable invasion of privacy where the information is about a third party's position, functions, or remuneration as an officer or employee of a public body.

[53] Previous orders have found that s. 22(4)(e) applies to information that relates to a public body employee's job duties in the normal course of work-related duties, including objective, factual information about what the individual said or did in the course of discharging their job duties.³⁶ However, whether s. 22(4)(e) applies depends on the context in which the information appears. For example, when the information appears in a context that reveals more than just the third party's name, job title, duties, functions, remuneration, position or what they did in the normal course of their work, then s. 22(4)(e) does not apply.³⁷

[54] The applicant says that the normal course of work for wildland firefighters includes responding to dangerous emergency situations, including injuries and accidents, and the course of work-related activities includes how employees respond when things do not go according to plan.³⁸

[55] The Ministry says that although some information relates to the positions or job functions of Wildfire Service employees, s. 22(4)(e) does not apply. It submits that because the personal information was collected in the course of investigating workplace incidents that led to employee injuries, it "is personal in nature and reflects those employees' actions as individuals."³⁹ The Ministry explains that an FLA Report results from a non-fault-finding investigation conducted by a specialized and trained team of Wildfire Service employees.⁴⁰ The Ministry does not explain how the personal information in the Other Reports was collected pursuant to workplace investigations.

[56] While I accept that responding to dangerous, emergency situations may be part of the normal course of work for some Wildfire Service employees, I find that the injured employees' personal information reveals more than what those

³⁵ Ministry's initial submission at para 98.

³⁶ Order 01-53, 2001 CanLII 21607 (BC IPC) at para 40; Order F18-38, 2018 BCIPC 41 at para 70.

³⁷ Order F23-28, 2023 BCIPC 32 at paras 41-42.

³⁸ Applicant's response submission at page 6.

³⁹ Ministry's initial submission at para 100.

⁴⁰ Ministry's initial submission at para 25.

employees did in the normal course of discharging their job duties, so s. 22(4)(e) does not apply.

[57] Turning to the other employees, I can see that their personal information reveals what they said in the workplace investigation that led to the FLA Report, not what they said in the normal course of discharging their job duties. As a result, I find that s. 22(4)(e) does not apply to their personal information.

[58] To summarize, I find s. 22(4)(e) does not apply to any of the personal information.

Presumptions of unreasonable invasion of privacy, s. 22(3)

[59] The third step in the s. 22 analysis is to determine whether any circumstances in s. 22(3) apply to the personal information. If so, disclosure is presumed to be an unreasonable invasion of a third party's personal privacy.

[60] The Ministry says ss. 22(3)(a) and (d) apply. The applicant does not think that ss. 22(3)(a) and (d) properly apply to all of the personal information.

Medical history, treatment and evaluation, s. 22(3)(a)

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

[62] The Ministry says that most of the personal information relates to the medical diagnosis, condition, treatment or evaluation of Wildfire Service employees who are either directly identifiable or whose identities could be discerned as a result of the mosaic effect.⁴¹

[63] The applicant does not dispute the Ministry withholding medical histories, diagnoses, conditions, treatments or evaluations, but suggests that it is possible to disclose some generic medical information (for example that an unnamed firefighter suffered serious injuries) without disclosing identifying or sensitive medical information.⁴²

[64] I find it clear that some of the personal information relates to the injured employees' medical histories, diagnoses, conditions or treatments.⁴³ I found above that the injured employees are identifiable to other Wildfire Service

⁴¹ Ministry's initial submission at paras 111-112.

⁴² Applicant's response submission at page 7.

⁴³ Information on pages 4, 22, 26, 28-29, 31-32, 39, 41, 60, 64, 66-69, 88, 90, 92, 95, 97, 100-104 and 106-107.

employees who worked with them during the time period of their injuries. Therefore, although some of the medical information is of a high-level, general nature, it cannot be disclosed in the manner the applicant suggests without revealing information about the injured employees as identifiable individuals.

[65] I find the presumption under s. 22(3)(a) applies to some of the injured employees' personal information.

Employment history, s. 22(3)(d)

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

[67] In past orders, OIPC adjudicators have found that "employment history" includes qualitative information about a third party's workplace behaviour such as complaints, investigations or discipline relating to a third party's workplace conduct.⁴⁴

[68] Section 22(3)(d) has also been found to apply to the administration of a third party's employment, such as information relating to job applications, resumes, personal identifiers and leave entitlements.⁴⁵

[69] The Ministry says s. 22(3)(d) applies to the personal information because it was collected pursuant to workplace safety investigations.⁴⁶ The Ministry says past OIPC orders have held that s. 22(3)(d) applies to information collected as part of a workplace investigation, and the reasoning in those past orders applies to the records.⁴⁷

[70] The applicant says investigations into workplace injuries, deaths or near misses during the response to a significant public safety event should be treated differently than workplace investigations in other workplaces.⁴⁸

[71] Section 22(3)(d) does not apply to records simply because they are part of a workplace investigation.⁴⁹ As former Commissioner Loukidelis said:

The disputed records enjoy no greater protection under the Act because they are the product of a workplace investigation...the issue of whether

⁴⁴ Order F23-56, 2023 BCIPC 65 at para 70; Order 01-53, 2001 CanLII 21607 (BC IPC) at paras 32-33 and Order F16-28, 2016 BCIPC 30 at para 94.

⁴⁵ Order F23-56, 2023 BCIPC 65 at para 71.

⁴⁶ Ministry's initial submission at para 116.

⁴⁷ Ministry's initial submission at para 114.

⁴⁸ Applicant's response submission at page 6.

⁴⁹ Order F21-08, 2021 BCIPC 12 at para 133.

information can or must be withheld has to be addressed on an exception-by-exception basis in the circumstances of each case.⁵⁰

[72] Under s. 22(3)(d), the focus is on whether the personal information at issue relates to a third party's employment history and not whether the information relates to a workplace investigation.⁵¹ In my view, the Ministry has not adequately explained how s. 22(3)(d) applies to the personal information beyond its assertion that s. 22(3)(d) applies because it was collected pursuant to workplace injury investigations.

[73] The personal information includes information about the injured employees' injuries and medical treatment and factual information such as the date of a workplace incident. In my view, this is not the type of qualitative information about workplace behaviour that previous orders have found falls within s. 22(3)(d). In the absence of further explanation or evidence, I am not satisfied that s. 22(3)(d) applies to any of the personal information.

Relevant circumstances, s. 22(2)

[74] The final step in the s. 22 analysis is to consider the impact of disclosure of the personal information in light of all relevant circumstances, including those listed in s. 22(2). It is at this step that the s. 22(3) presumptions may be rebutted.

[75] The Ministry says ss. 22(2)(e), 22(2)(f), 22(2)(h), and the sensitivity of the personal information weigh against disclosure. The applicant says s. 22(2)(a) weighs in favour of disclosure. I also find it relevant that the applicant has knowledge of or can easily infer some of the personal information.

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

[76] Section 22(2)(a) asks whether disclosure of the personal information is desirable for subjecting the activities of a public body to public scrutiny. If s. 22(2)(a) applies, then this factor will weigh in favour of disclosure. The purpose of s. 22(2)(a) is to make public bodies more accountable, and not to scrutinize the activities of individual third parties.⁵²

[77] The Ministry says that disclosure of the personal information would only subject third parties, not the Ministry, to public scrutiny. It says that, as an example, the names of injured employees and the details of their injuries and medical treatments would not add anything to the public's understanding of the Ministry's activities.⁵³

⁵⁰ Order 01-07, 2001 CanLII 21561 (BC IPC) at para 8.

⁵¹ See also Order F23-28, 2023 BCIPC 32 at para 49.

⁵² Order F18-47, 2018 BCIPC 50 at para 32; Order F16-14, 2016 BCIPC 16 at para 40.

⁵³ Ministry's initial submission at paras 119-120.

[78] The applicant says that the events described in the records are significant and have an impact on public safety during wildfires. They submit the information in dispute relates directly to matters of public safety, government transparency and accountability and disclosure would subject the Wildfire Service to public scrutiny.⁵⁴

[79] I find that disclosing information about the cause of workplace incidents, general information about the severity and nature of employee injuries, and the Wildfire Service's responses to those injuries would be desirable for subjecting the activities of the Ministry, and in particular, the Wildfire Service, to public scrutiny.⁵⁵ In my view, disclosing this information would enhance the Wildfire Service's accountability for the workplace safety of its employees. Therefore, I find that s. 22(2)(a) weighs in favour of disclosing some of the personal information.

Financial or other harm, s. 22(2)(e)

[80] Section 22(2)(e) asks whether disclosure will unfairly expose a third party to financial or other harm. "Harm" under s. 22(2)(e) includes "serious mental distress or anguish or harassment."⁵⁶ Past OIPC orders have found that embarrassment, upset or negative reactions do not rise to the required level of mental harm.⁵⁷

[81] The Ministry says s. 22(2)(e) applies because employees would experience serious mental distress if the specific details of their injuries were disclosed.⁵⁸

[82] The Ministry does not further explain or provide any evidence in support of its position that s. 22(2)(e) applies, and I do not see how disclosing injury details would expose the injured employees to serious mental distress. In my view, the information about their injuries does not include any details that might cause someone mental distress if disclosed. Consequently, I find that s. 22(2)(e) does not apply.

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

[83] Section 22(2)(f) asks whether the personal information was supplied in confidence. For s. 22(2)(f) to apply, there must be evidence that a third party

⁵⁴ Applicant's response submission at pages 4, 7 and 8.

⁵⁵ Information on pages 4, 22, 26, 28-29, 31-32, 39, 41, 60, 64, 67-69, 88, 90, 92, 95, 97, 100-104 and 106-107.

⁵⁶ Order 01-37, 2001 CanLII 21591 (BC IPC) at para 42.

⁵⁷ Order 01-15, 2001 CanLII 21569 (BC IPC) at paras 49-50; Order F20-37, 2020 BCIPC 43 at para 120.

⁵⁸ Ministry's initial submission at para 123.

supplied personal information and that the third party had an objectively reasonable expectation of confidentiality at the time that information was supplied.⁵⁹

[84] The Ministry says s. 22(2)(f) applies to all of the personal information because it appears in reports or bulletins prepared for internal learning purposes and shared in confidence among Wildfire Service employees.⁶⁰ The Deputy Manager says that:

- She believes the employees whose personal information is in dispute would expect that such information would not be disclosed to the general public;
- The Standards of Conduct for BC Public Service Employees (Standards of Conduct) provides that confidential information that employees receive through their employment must not be divulged to anyone other than persons who are authorized to receive the information.
- Based on the Standards of Conduct and Oath of Employment, she believes Wildfire Service employees understand that internal communications related to safety incidents are not to be shared outside the Ministry.
- To the best of her knowledge, none of the personal information has been shared outside the provincial government.
- Wildfire Service internal policy guidelines emphasize that personal or identifying information in safety lesson-related records and bulletins must remain confidential.⁶¹

[85] The Deputy Manager also says that the Wildfire Service distributes internal safety lesson-related reports and bulletins (including 24 Hour Incident Reports, Rapid Lesson Sharing Reports and Follow-up Reports) to all Wildfire Service staff, and that FLA reports are “issued internally.”⁶²

[86] The applicant says it is unreasonable to suggest that the personal information was supplied in confidence because the records were created for dissemination to thousands of people in “a largely insecure format that includes hundreds of copies in multiple digital locations.”⁶³

[87] While I accept that the Standards of Conduct and internal policy guidelines provide that employees must not divulge confidential information received

⁵⁹ Order F11-05, 2011 BCIPC 5 at para 41, citing and adopting the analysis in Order 01-36, 2001 CanLII 21590 (BC IPC) at paras 23-26 regarding s. 21(1)(b).

⁶⁰ Ministry’s initial submission at para 126.

⁶¹ Deputy Manager’s affidavit at paras 45-48.

⁶² Deputy Manager’s affidavit at paras 17-19.

⁶³ Applicant’s response submission at page 6.

through their employment, I am not satisfied that this means the personal information at issue here was actually *supplied* in confidence.

[88] The Ministry does not explain who supplied the personal information. Based on the context of the records, I presume that the personal information was supplied by Wildfire Service employees who were involved in or witnessed the workplace incidents that are the subject of the records. Considering the Deputy Manager's evidence that the Wildfire Service distributes internal safety lesson-related reports and bulletins to all staff and issues FLA Reports "internally", I find it more likely than not that the employees who supplied the personal information knew it would be disseminated across the Wildfire Service. Additionally, in my view, nothing about the nature of the personal information indicates that it was supplied in confidence.

[89] For these reasons, I am not satisfied that the individuals who supplied the personal information had reasonable expectations of confidentiality at the time the personal information was supplied. I find s. 22(2)(f) does not apply.

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

[90] Section 22(2)(h) asks whether disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant. If so, this factor weighs in favour of withholding the personal information.

[91] For s. 22(2)(h) to apply, the unfair harm or damage to reputation must relate directly to disclosure of the information in dispute.⁶⁴ In past orders, the OIPC has held that reputational damage is unfair within the meaning of s. 22(2)(h) where the affected individual did not have the opportunity to respond to or correct the record.⁶⁵

[92] The Ministry says that disclosure of the personal information of employees involved in safety incidents could result in harm to their professional reputations or impact their ability to find work in the private forestry industry. It says that depending on how the information is drafted, readers could improperly ascribe blame to employees who were not in fact at fault for the incidents in question.⁶⁶ The Ministry also says that any reputational damage would be unfair because the employees involved would not have an opportunity to respond to any inferences of fault.⁶⁷

[93] The applicant says the Ministry's position is speculative and the records do not find fault or assign blame. The applicant also says that any reputational

⁶⁴ Order F14-10, 2014 BCIPC 12 at para 37.

⁶⁵ For example, Order F24-31, 2024 BCIPC 38 at paras 129-130.

⁶⁶ Ministry's initial submission at para 130.

⁶⁷ Ministry's initial submission at para 133.

harm that might exist results from the records being shared internally with thousands of people who could correctly infer the employees' identities.⁶⁸

[94] For the reasons that follow, I find that s. 22(2)(h) applies to a small amount of the personal information.

[95] First, I accept that disclosing the name of the employee who was injured in the incident that is the subject of the FLA Report may unfairly damage their reputation because it could allow others who would not otherwise be able to identify them through the mosaic effect to directly identify and improperly ascribe blame to them for the workplace incident. I make this finding in light of the amount and nature of information openly disclosed about this employee and the incident in the FLA Report.⁶⁹

[96] Additionally, I can see how disclosing personal information of two other injured employees could result in others unfairly ascribing blame to those employees for certain incidents and unfairly damage their reputations.⁷⁰ I find that s. 22(2)(h) applies to this information.

[97] However, I am not satisfied that s. 22(2)(h) applies to the remaining personal information because I do not see how disclosure would cause readers to improperly ascribe blame to employees who were not at fault for workplace incidents. For example, in most of the Other Reports, the Ministry openly disclosed information about how workplace incidents occurred while withholding information about the resulting injuries and medical treatment. In my view, any unfair damage to the reputation of the employees involved in those incidents would result from disclosure of information about how the incidents occurred, not from disclosure of information about their injuries and medical treatment.

[98] For the reasons outlined above, I find that s. 22(2)(h) weighs in favour of withholding some, but not all, of the personal information.

Sensitivity

[99] Sensitivity of information is not an enumerated circumstance under s. 22(2). However, many previous orders have held that the sensitivity of the information in dispute may be a relevant circumstance either for or against disclosure under s. 22(2).⁷¹

[100] The Ministry says that much of the personal information is sensitive and highly personal because it pertains to injuries, medical treatment or investigation

⁶⁸ Applicant's response submission at page 8.

⁶⁹ Information on pages 7, 18-19, 22, 25-26, 29, 37, 46-47 and 49.

⁷⁰ Information on pages 104 and 106.

⁷¹ For example, Order F23-29, 2023 BCIPC 33 at para 74.

of incidents which led to injuries.⁷² The Ministry also says that the feelings that the other employees shared in the FLA Report investigation process are highly sensitive.⁷³

[101] A small amount of the injured employees' personal information reveals the details of their injuries. I find that this information is sensitive.⁷⁴

[102] However, I find that the remainder of the personal information is not sensitive. For example, I find that most of the information about the injured employees' injuries and medical treatments is general and does not reveal any sensitive details about the injured employees. Additionally, in my view, the feelings that the other employees shared in the FLA Report do not reveal any intimate or sensitive information.

[103] For the reasons outlined above, I conclude that a small amount of the personal information is sensitive, which weighs against disclosing that information. I also find that the non-sensitive nature of most of the personal information weighs in favour of disclosure.

Applicant's knowledge of the personal information

[104] Previous orders have said the fact that an applicant is aware of, can easily infer, or already knows the personal information in dispute is a relevant circumstance in favour of disclosure.⁷⁵

[105] A small amount of the personal information is openly disclosed elsewhere in the records or is easily inferable from information disclosed elsewhere in the records. I find that this weighs in favour of disclosing that information.

Conclusion, s. 22(1)

[106] To begin, information about the purpose of work on the date of a workplace incident, a fire camp evacuation, and unnamed individuals who are not Wildfire Service employees is not personal information; therefore, the Ministry is not required to withhold that information under s. 22(1).⁷⁶

[107] The balance of the information at issue is personal information.

[108] I found that no presumptions against disclosure apply to the other employees' personal information. I also found that no circumstances weigh

⁷² Ministry's initial submission at para 136.

⁷³ Ministry's initial submission at para 137.

⁷⁴ Information on pages 4, 22, 28-29, 32, 39, 41, 60, 66-67, 97 and 101.

⁷⁵ Order F23-13, 2023 BCIPC 15 at para 184; Order F18-19, 2018 BCIPC 22 at paras 74-77.

⁷⁶ Information on pages 4, 63 and 102.

against disclosing this information and it is not sensitive, which weighs in favour of disclosure. As a result, I find that disclosing the other employees' personal information would not be an unreasonable disclosure of the personal privacy of the other employees.

[109] Turning to the injured employees, I found that s. 22(3)(a) applies to some of their personal information, so disclosure of that information is presumed to be an unreasonable invasion of their personal privacy. I also found that s. 22(2)(h) and the sensitivity of some of the personal information weigh against disclosing some of the injured employees' personal information. However, I also found that s. 22(2)(a), the non-sensitivity of most of the injured employees' personal information, and the fact that some of their information is known to or easily inferable by the applicant weigh in favour of disclosing most of the injured employees' personal information.

[110] After weighing all of the above, I find that disclosure would be an unreasonable invasion of the injured employees' personal privacy where s. 22(2)(h) or the sensitivity of the personal information weigh against disclosure. However, for the remainder of the injured employees' personal information, I find that the circumstances weighing in favour of disclosure outweigh the relevant circumstances and the s. 22(3)(a) presumption against disclosure, so disclosure would not be an unreasonable invasion of the injured employees' personal privacy.

CONCLUSION

[111] For the reasons given above, I conclude the Ministry is required to withhold some of the information in dispute in this inquiry under s. 22(1) but it is not authorized to withhold information under s. 13(1). Accordingly, I make the following order under s. 58 of FIPPA:

1. I confirm that the Ministry conducted an adequate search for responsive records in accordance with s. 6(1).
2. Subject to item 3 below, I confirm in part the Ministry's decision to refuse access to the information withheld under s. 22(1).
3. I require the Ministry to give the applicant access to the information that I found it is not required to withhold under s. 22(1) or authorized to withhold under s. 13(1). I have highlighted this information in green on pages 4, 22-26, 29, 31, 33, 41, 46, 50, 60, 63-64, 67-69, 88, 90, 92, 95, 97, 100-104, and 106-107 in the copy of the records that will be provided to the Ministry with this order.

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4. I require the Ministry to provide the OIPC registrar of inquiries with a copy of the cover letter and records it sends to the applicant in compliance with item 3 above.

[112] Pursuant to s. 59(1) of FIPPA, the public body is required to comply with this order by **April 20, 2026**.

March 5, 2026

ORIGINAL SIGNED BY

Elizabeth Vranjkovic, Adjudicator

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