



OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
FOR BRITISH COLUMBIA

Order F26-28

BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 36

Elizabeth Vranjkovic
Adjudicator

April 16, 2026

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Summary: The Board of Education of School District No. 36 (District) applied for authorization to disregard 33 access requests (the outstanding requests) and certain future access requests under ss. 43(a) (frivolous or vexatious request) and 43(c) (unreasonable interference with public body's operations) of the *Freedom of Information and Protection of Privacy Act* (FIPPA). The adjudicator found that some of the outstanding requests were vexatious (s. 43(a)) and that responding to some of the outstanding requests would unreasonably interfere with the District's operations because the requests were repetitious, systematic or excessively broad (s. 43(c)); therefore, the adjudicator authorized the District to disregard those requests under s. 43. The adjudicator authorized the District to respond one at a time to the requests that the District was not authorized to disregard. The adjudicator also authorized the District to disregard future access requests from the respondent over and above a single access request at a time for a period of one year.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, [RSBC 1996] c. 165, ss. 43(a), 43(c), 43(c)(i) and 43(c)(ii).

INTRODUCTION

[1] This matter arises from two applications from the Board of Education of School District No. 36 (District) for authorization to disregard 33 outstanding access requests (outstanding requests) and certain future access requests under s. 43 of the *Freedom of Information and Protection of Privacy Act* (FIPPA). To be clear, I am considering both of the District's s. 43 applications in this decision.

[2] The District says that the outstanding requests are frivolous and vexatious (s. 43(a)) and that responding to the outstanding requests would unreasonably

interfere with the District's operations because they are repetitious, systematic and/or excessively broad (ss. 43(c)(i) and 43(c)(ii)).¹

Preliminary Issues

Who is the respondent?

[3] There is some confusion about whether the respondent in this matter is the individual who made the outstanding requests or the individual and his spouse.

[4] The OIPC's contact list for this matter names the individual as the respondent. However, the District seeks relief with respect to the individual and his spouse and says that they have both made access requests and use a joint email address for correspondence.²

[5] I can see that all of the outstanding requests were filed in the individual's name, three previous access requests to the District were filed in the individual's name, and only one previous access request to the District was filed in the spouse's name. I can also see that the response submissions in this matter are in the individual's name.

[6] It is unclear to me whether and to what extent the spouse is aware of the District's s. 43 applications. The spouse is not named on the OIPC contact list and is not named in the respondent's response submission. From what is before me, I am satisfied the spouse only made one previous access request to the District. For these reasons, I am not persuaded it is appropriate to name the spouse as a respondent in this matter. I will not consider the spouse's previous access request in this s. 43 decision. Further, I will not consider whether to order any future relief against her.³ From this point forward, when I refer to the respondent, I am referring to the individual.

Numbering of access requests

[7] Although this application is about 33 outstanding requests, the District refers to 37 access requests. For ease of reference, I will use the District's numbering system and refer to the requests as requests 1 through 37. For clarity, requests 5 through 37 are the outstanding requests. Requests 1-3 are the respondent's previous access requests (the previous requests). Request 4 is the spouse's previous access request which I decided above that I will not consider in this inquiry.

¹ Whenever I refer to a section number throughout this order, I am referring to a section of FIPPA.

² District's initial submission at paras 1 and 17.

³ I also understand there is an OIPC file related to the spouse's request. I will not consider that file in this matter.

Mediation material

[8] The OIPC's *Instructions for Written Inquiries* (Instructions) state that the Commissioner will not consider mediation material in reaching a decision and issuing an order.⁴ The Instructions describe mediation material as communications that relate to offers or attempts to resolve a matter during mediation. The Instructions also state that while any opinions or recommendations an investigator expressed during mediation are mediation material, an investigator's decisions are not.

[9] The District provided copies of correspondence between it and the assigned OIPC investigators during mediation of the OIPC files related to the previous requests.⁵ I have only considered those communications to the extent they reveal the investigators' decisions to close those files.

[10] The respondent also provided copies of emails he sent to the OIPC investigator assigned to mediate the s. 43 applications.⁶ These emails reveal what the respondent said to the investigator, not what the investigator said to the respondent. The respondent chose to put the emails forward in support of his position. The District did not object to the respondent including these emails and instead replied to the substance of the emails in its reply submission. As a result, I conclude that the respondent and the District both consent to me considering these emails in this decision. Therefore, I find there is no unfairness in considering the respondent's emails to the investigator and will do so as part of this decision.

ISSUES AND BURDEN OF PROOF

[11] I must decide the following issues in this inquiry:

1. Are the outstanding requests frivolous or vexatious (s. 43(a))?
2. Would responding to the outstanding requests unreasonably interfere with the District's operations because the requests are excessively broad (s. 43(c)(i))?
3. Would responding to the outstanding requests unreasonably interfere with the District's operations because the requests are repetitious or systematic (s. 43(c)(ii))?

⁴ *Instructions for Written Inquiries* at pages 6-7. Available at <https://www.oipc.bc.ca/documents/guidance-documents/1658>.

⁵ Exhibits F, I and J to the affidavit of the District's Manager, District Records and Privacy (Manager).

⁶ December 7, 8 and 24, 2025 emails from the respondent to the investigator and attachments.

4. If the answer to any of the above questions is yes, what relief, if any, is appropriate?

[12] As the party applying for relief under s. 43, the District has the burden to prove that its s. 43 applications should be granted.⁷

DISCUSSION

Background

[13] The respondent's child, who was a student at a school within the District, died by suicide. The respondent has commenced two civil claims against the District, a school counsellor (Counsellor) and others.

[14] Following the child's death, the District had its legal counsel retain KPMG Law LLP (KPMG) to conduct a review of its mental health and suicide prevention policies, procedures, protocols, training and awareness (the Review).⁸

Previous requests and related OIPC files

[15] Briefly, the previous requests were for:

1. Records about suicide support provided to the child, including any relevant policies and training, the child's counselling notes, emails with external agencies, and reviews done on the response to the child's death.⁹
2. The findings of "the District's review", recommendations made to improve support, communications between school staff and the District, confirmation and documentation that each step in a particular procedure had been implemented, the Counsellor's suicide risk assessment, and incident reports.¹⁰
3. The KPMG contract for the Review and the completed Review.¹¹

[16] These requests resulted in three OIPC files: a request for review of the District's decision to sever the records, a complaint about the adequacy of the District's search for responsive records, and a complaint about information the respondent believed was missing from the responsive records.¹² The OIPC

⁷ Auth. (s. 43) 02-02, [2002] BCIPCD No 57 [Auth. (s. 43) 02-02]. Available at <https://www.oipc.bc.ca/documents/decisions/160>; Order F17-18, 2017 BCIPC 19 at para 4.

⁸ District's initial submission at para 11.

⁹ Manager's affidavit at para 5.

¹⁰ Exhibit E to the Manager's affidavit.

¹¹ Exhibit K to the Manager's affidavit.

¹² OIPC files F24-97328, F24-97823 and F24-98058.

investigator closed the request for review file after determining the respondent was concerned about the adequacy of the District's search for responsive records rather than its decision to withhold information.¹³ The OIPC investigators did not substantiate the respondent's complaints and concluded the complaint files.¹⁴

Outstanding requests

[17] The respondent made all of the 33 outstanding requests between November 1, 2025 and December 19, 2025. Briefly, the outstanding requests include requests for records related to the child and the child's death, the respondent and his family (including the child's sibling), the Counsellor, suicide and crisis intervention policies and training, the respondent's litigation against the District, the Review and any other reviews arising from the child's death, the District's media and communications strategy in relation to the child's death, the District's first s. 43 application, and the District's freedom of information strategy.

[18] Some of the outstanding requests contain multiple parts and many of the outstanding requests span multiple subjects and years. Many seek "all records" or "all internal communications." Some also specify that the request is for a variety of record types. For example, one request specifies that the types of records sought include emails, meeting notes, handwritten notes, file notes, summaries, talking points, briefing or debrief notes, internal communications, calendars, meeting invitations, meeting agendas and attendee lists, documents including drafts and tracked changes, and communications with third parties.¹⁵

Section 43

[19] Section 43 allows the Commissioner to grant the extraordinary remedy of limiting a respondent's right to access information under FIPPA. Public bodies do not have discretion to disregard access requests on their own; they must obtain permission to do so from the Commissioner.¹⁶

[20] Section 43 allows the Commissioner to authorize a public body to disregard an access request, including because:

- (a) The request is frivolous or vexatious,
- ... or
- (c) responding to the request would unreasonably interfere with the operations of the public body because the request

¹³ Exhibits C and F to the Manager's affidavit.

¹⁴ Exhibits I and J to the Manager's affidavit.

¹⁵ Request 36.

¹⁶ Order F18-25, 2018 BCIPC 28 at para 14.

- (i) is excessively broad, or
- (ii) is repetitious or systematic.

[21] Given that relief under this section curtails or eliminates a person's right to access information, s. 43 applications must be carefully considered.¹⁷ According to former Commissioner Flaherty, granting s. 43 applications should be the "exception" and not a mechanism for public bodies "to avoid their obligations under FIPPA."¹⁸

[22] Section 43 serves an important purpose: to guard against abuses of the right of access.¹⁹ It recognizes that when a respondent overburdens a public body with access requests, it interferes with the ability of others to legitimately exercise their rights under FIPPA.²⁰ In this way, s. 43 is an "important remedial tool in the Commissioner's armoury to curb abuse of the right of access."²¹

Parties' submissions, s. 43

[23] The District submits that some of the outstanding requests are frivolous or vexatious, "many others" are systematic or repetitious or both, many are excessively broad, and responding to the outstanding requests would unreasonably interfere with its operations.²²

[24] The respondent says that the District has not met the "high threshold required under s. 43" simply because he submitted multiple access requests within a defined time period arising from the same factual background.²³ The respondent says that at most, the District's evidence demonstrates that the requests are related, arise from "serious and ongoing accountability concerns" and "require careful, structured processing."²⁴

[25] I begin with s. 43(c) and then turn to s. 43(a).

¹⁷ Auth. (s. 43) 99-01 at page 3 [Auth. (s. 43) 99-01]. Available at <https://www.oipc.bc.ca/documents/decisions/158>.

¹⁸ Auth. (s. 43) (19 December 1997) at page 1. Available at <https://www.oipc.bc.ca/documents/decisions/156>.

¹⁹ Auth. (s. 43) 99-01, *supra* note 17 at page 8.

²⁰ *Ibid.*

²¹ *Crocker v British Columbia (Information and Privacy Commissioner)*, 1997 CanLII 4406 (BC SC) at para 33 [Crocker].

²² District's initial submission at para 3.

²³ Respondent's response submission at page 1.

²⁴ Respondent's response submission at page 4.

Unreasonable interference, s. 43(c)

[26] Under s. 43(c), the Commissioner may authorize a public body to disregard a request that would unreasonably interfere with the operations of the public body because it: (i) is excessively broad; or (ii) is repetitious or systematic.

[27] Section 43(c) has two parts, and the District must establish that both apply. First, the requests must be excessively broad, repetitious or systematic. Second, responding to the requests must unreasonably interfere with the District's operations.

Are the outstanding requests excessively broad?

[28] An excessively broad request under s. 43(c)(i) is an access request that would result in an “overwhelming” or “inordinate” volume of responsive records.²⁵ The focus is on the volume or number of responsive records that the request would likely generate and not on the amount of time and effort the public body would need to spend searching for the relevant records.²⁶ The time and effort required to search is a factor at the next stage of this analysis.

[29] In some cases, a public body may need to do a preliminary search to provide evidence that demonstrates the access request at issue would likely result in an excessive volume of responsive records.²⁷ In other cases, the wording of the access request alone may be sufficient to prove that the access request would generate a significant and overwhelming number of responsive records. For example, the adjudicator in Order F23-98 was satisfied that an access request for “[a]ll emails to government” would generate an overwhelming and therefore excessive volume of responsive records.²⁸

[30] The District did not estimate the number of responsive records that any of the outstanding requests would likely generate. However, from the evidence provided by the District, I can see that it has 13,000 employees.²⁹ I find this relevant to determining whether any given request would generate an excessive volume of responsive records.

[31] Request 5 is a multi-part request that includes a request for “all records” containing several keywords, including “risk” and “liability” over a 23-month period, excluding any records previously disclosed to the respondent in response

²⁵ Order F23-98, 2023 BCIPC 114 at para 39.

²⁶ *Ibid* at paras 38 and 42.

²⁷ *Ibid* at para 41.

²⁸ *Ibid* at para 40.

²⁹ Manager's affidavit at para 23.

to his previous requests.³⁰ Request 8 is another multi-part request that includes a request for “all internal communications” over a 23-month period.³¹

[32] In my view, a search for all records of any of the District’s 13,000 employees containing the words “risk” or “liability” over a 23-month period would result in an overwhelming volume of responsive records. I also have no problem concluding that there would be an overwhelming and inordinate amount of communications between the District’s 13,000 employees over a 23-month period.

[33] Considering the number of employees and the wording of the outstanding requests, I find that requests 5 and 8 would result in an overwhelming and inordinate number of responsive records. Therefore, I find that requests 5 and 8 are excessively broad (the Excessively Broad Requests).

[34] The District does not explain, and I cannot see, how the other outstanding requests might generate an overwhelming and inordinate volume of records. Therefore, I am not satisfied that any of the other outstanding requests are excessively broad.

[35] I consider next whether the other outstanding requests are repetitious or systematic.³²

Are the outstanding requests systematic?

[36] Systematic requests are requests made according to a method or plan of acting that is organized and carried out according to a set of rules or principles.³³ Some characteristics of systematic requests may be:

- A pattern of requesting more records, based on what the respondent sees in records already received;
- Combing over records deliberately in order to identify further issues;
- Revisiting earlier freedom of information requests;
- Systematically raising issues with the public body about their responses to freedom of information requests, and then often taking those issues to review by the OIPC; and
- Behaviour suggesting that a respondent has no intention of stopping the flow of requests and questions, all of which relate to essentially the same records, communications, people and events.³⁴

³⁰ Request 5. Exhibit O to the Manager’s affidavit.

³¹ Request 8. Manager’s affidavit at para 18.

³² Requests 6-7- and 9-37. I will not consider whether the Excessively Broad Requests are repetitious or systematic because I have already found they are excessively broad.

³³ Order F13-18, 2013 BCIPC 25 at para 23.

³⁴ Order F18-37, 2018 BCIPC 40 at para 26.

[37] The amount and frequency of access requests are relevant indicators in determining whether requests are systematic.³⁵

[38] It is necessary to consider past requests when deciding whether an access request is systematic.³⁶

Parties' submissions, systematic

[39] The District says that many of the outstanding requests are the respondent's attempt to circumvent a response to a previous request that he finds unsatisfactory by slightly rephrasing the previous request.³⁷ The District also says that requests 7, 14, 15 and 19 are duplicative of other requests and are therefore systematic.³⁸ Although the District does not clearly explain, I understand its position to be that these requests are systematic because they are the respondent's attempts to circumvent a response to a previous request by rephrasing the request.³⁹

[40] The respondent says that he made 16 of the outstanding requests as part of "a systematic reconciliation exercise required after SD36 filed sworn and formal representations that were internally inconsistent across multiple legal and regulatory forums."⁴⁰ He explains that this exercise involved filing "targeted, issue-specific FOIs, each tied to a discrete factual claim SD36 had already made."⁴¹ He also explains that District's misrepresentations related to issues including the existence of policies at relevant times, the responsibility for suicide prevention, what reviews occurred, when those reviews occurred, and under what authority, "whether decisions were operational or legal" and whether records existed, never existed, or were privileged.⁴²

Analysis and findings, systematic

[41] To begin, because of my findings below about whether the outstanding requests are repetitious, I do not need to and will not consider whether requests 7, 14, 15 and 19 are systematic.

[42] For the reasons that follow, I find that some of the outstanding requests are systematic.

³⁵ Order F23-37, 2023 BCIPC 44 at para 54.

³⁶ Auth. (s. 43) 02-01 at para 24 [Auth. (s. 43) 02-01]. Available at <https://www.oipc.bc.ca/documents/decisions/159>.

³⁷ District's initial submission at para 16.

³⁸ District's initial submission at paras 56, 82, 84 and 96.

³⁹ District's initial submission at para 16.

⁴⁰ December 24, 2025 email from the individual to the investigator.

⁴¹ December 24, 2025 email from the individual to the investigator.

⁴² December 24, 2025 email from the individual to the investigator.

[43] I accept the respondent's explanation that he engaged in a systematic exercise to reconcile perceived misrepresentations or contradictions in information provided by the District by making "targeted" access requests. I can see how the District could perceive this exercise as the respondent rephrasing requests in an attempt to circumvent its responses to previous requests.

[44] Based on the respondent's explanation, it is clear to me that any requests made as part of his systematic reconciliation exercise were made according to an organized method and carried out according to a set of principles and are, therefore, systematic within the meaning of s. 43(c)(ii). The question is therefore which of the outstanding requests were made as part of this exercise.

[45] Although the respondent says the 16 of the outstanding requests are part of his systematic reconciliation exercise, he does not identify those 16 requests. However, I can see from the respondent's email enclosing Requests 25-31 that he says as follows:

These requests do not duplicate any FOIS I have previously submitted... Each targets **new categories of records** arising from contradictions, post-incident disclosures, or systemic gaps identified during my ongoing review.⁴³ [emphasis original]

[46] I find that this explanation of requests 25-31 is consistent with the respondent's explanation of his systematic reconciliation exercise. As a result, I find that requests 25-31 are part of that exercise and are systematic.

[47] I also find that the wording of request 37 demonstrates that it is part of the respondent's systematic reconciliation exercise. Request 37 is as follows:

Any policies, standards, protocols, guidelines, or written directives created, adopted, approved, or relied upon by SD36 governing: suicide prevention, suicide risk assessment, safety planning for students expressing suicidal ideation, or crisis intervention and follow-up, that were in force at any time between January 1, 2022 and December 31, 2023.

If no such district-determined standards, protocols, or training existed during this period, please provide any records confirming their absence, including internal correspondence, memoranda or acknowledgments indicating that SD36 did not have district-level suicide-prevention standards or training in place.⁴⁴

[48] I find that request 37 relates to two of the issues the respondent explained he was trying to reconcile information about: 1) the existence of policies at relevant times; and 2) the responsibility for suicide prevention.

⁴³ Exhibit V to the Manager's affidavit.

⁴⁴ Exhibit D to the Legal Assistant's affidavit.

[49] In my view, the fact that request 37 is worded to request specific records or records confirming the absence of the requested records suggests that the respondent is attempting to reconcile perceived misrepresentations or contradictions through this request.

[50] Additionally, request 1 included a request for information related to school and district policies on suicide prevention, so I do not see why the respondent would make request 37 if not as part of an attempt to “reconcile” the District’s response to request 1 with other sources of information. For these reasons, I find request 37 is part of the respondent’s reconciliation exercise and is therefore systematic.

[51] I reviewed the other outstanding requests and I am unable to find they are part of the respondent’s systematic reconciliation exercise. It is also not evident to me that any of the other outstanding requests are systematic for any other reason. Although the volume and frequency of the outstanding requests may suggest a systematic approach, this alone does not persuade me that any other outstanding requests are systematic.

[52] For these reasons, I find that requests 25-31 and 37 are systematic (the Systematic Requests). I consider next whether the outstanding requests other than the Excessively Broad Requests and the Systematic Requests are repetitious.⁴⁵

Are the outstanding requests repetitious?

[53] A repetitious request is an access request that has been made more than once.⁴⁶ The requests do not have to be identical to be repetitious.⁴⁷ An access request may be repetitious when there is a sufficient connection between that request and a previous access request. For example, in Decision F05-01, former Commissioner Loukidelis found an access request was repetitious because it related to the same event and the same record as another access request to which the public body had already responded. Specifically, both access requests were about a letter regarding an employment dispute between the respondent and the public body.⁴⁸

[54] To decide if an access request is repetitious under s. 43(c)(ii), it is necessary to compare the access request at issue with the access applicant’s

⁴⁵ Requests 6-7, 9-24 and 32-36. I will not consider whether the Excessively Broad Requests or the Systematic Requests are repetitious because I have already found they are either excessively broad or systematic.

⁴⁶ Order F25-44, 2025 BCIPC 52 at para 42.

⁴⁷ Order F18-37, 2018 BCIPC 40 at para 14.

⁴⁸ Decision F05-01, 2005 CanLII 11955 (BC IPC) at paras 17-18.

previous access requests.⁴⁹ Therefore, I consider all of the respondent's access requests to decide whether the outstanding requests are repetitious.

[55] The District says many of the outstanding requests are repetitious, while the respondent says he did not repeatedly request the same records.⁵⁰

[56] I reviewed all of the outstanding requests and the previous requests. From my review, I find that nine of the outstanding requests are repetitious because they request records that the respondent requested in other requests.⁵¹ However, I find that the other requests are not repetitious because they contain requests for records that the respondent did not request in any of his other access requests.⁵² For example, request 9 includes a request for records about a website, which the respondent does not request in any of his other access requests.

[57] In conclusion, I find that requests 7, 14-16, 19-22 and 36 are repetitious (the Repetitious Requests).

Would responding to the Excessively Broad Requests, the Systematic Requests and the Repetitious Requests unreasonably interfere with the District's operations?

[58] I found above that 19 of the outstanding requests are either excessively broad, systematic or repetitious.⁵³ Therefore, it is only necessary for me to determine whether responding to those requests would unreasonably interfere with the District's operations.

[59] What constitutes unreasonable interference with a public body's operations rests on an objective assessment of the facts; it will vary depending on the size and nature of the operations.⁵⁴ In determining whether a request unreasonably interferes with the operations of the public body, past orders have considered what impact responding to the subject request will have on the rights of other access applicants.⁵⁵

⁴⁹ Auth. (s. 43) 02-01, *supra* note 36 at para 24.

⁵⁰ Respondent's response submission at page 3. District's initial submission at paras 50, 56, 82, 84 and 95.

⁵¹ Requests 7 and 14 repeat part of request 1 and requests 15-16, 19-22 and 36 repeat the part of request 8 that is for all internal communications after December 21, 2023.

⁵² I find requests 9-13, 17-18, 23-24 and 32-35 are not repetitious.

⁵³ Requests 5 and 8 are excessively broad, requests 25-31 and 37 are systematic, and requests 7, 14-16, 19-22 and 36 are repetitious.

⁵⁴ *Crocker*, *supra* note 21 at para 37.

⁵⁵ Order F17-18, 2017 BCIPC 19 at para 40; Order F13-18, 2013 BCIPC 25 at para 31.

Parties' submissions, unreasonable interference

[60] The District relies on affidavit evidence from its Manager, District Records and Privacy (Manager) which was made at the time of the first of the District's two s. 43 applications. As a result, the Manager's evidence only addresses the time period up until the date of that application (December 4, 2025) and the 27 requests outstanding at the time of that application.⁵⁶ It does not address the six outstanding requests that are the subject of the District's second s. 43 application.⁵⁷

[61] The District says that its Assistant Secretary-Treasurer used to handle access requests, but it hired the Manager in November 2024 in part due to the number and scope of requests from the respondent's family.⁵⁸

[62] The Manager says that, overall, the District received 70 access requests between January 2025 and December 4, 2025. The Manager estimates that by December 4, 2025, he had spent approximately 50 hours on the family's requests, his colleagues had likely spent a further 70 hours on the family's requests, and the District's external counsel had spent approximately 40 hours consulting in relation to the family's requests.⁵⁹

[63] The Manager says that it is "difficult to provide a meaningful estimate" for how long it would take to respond to requests 5-31 but says:

- The District has 13,000 employees and 124 schools.⁶⁰
- Some records are accessible through the District's IT system but other are locally stored by school staff members.
- It could take him and his colleagues collectively more than 1,000 hours to respond to requests 5-31 and responding "could well be impossible if the requests are not narrowed."⁶¹
- It would be virtually impossible to look for every record containing the word "risk" or the word "liability" as required by one part of request 5.⁶²
- His estimate of more than 1,000 hours is based on the time he expects it would take, based on his experience, to review requests 5-31, identify the custodians likely to have responsive records, notify those custodians of the requests, answer questions, receive and review responsive

⁵⁶ Requests 5-31.

⁵⁷ Requests 32-37.

⁵⁸ District's initial submission at para 153.

⁵⁹ Manager's affidavit at para 24.

⁶⁰ Manager's affidavit at para 23.

⁶¹ Manager's affidavit at para 25.

⁶² Manager's affidavit at para 25.

records, apply necessary redactions, and prepare a package for the respondent.⁶³

[64] The District says that the estimate of over 1,000 hours would only have increased as a result of the further access requests submitted after the first s. 43 application.⁶⁴

[65] The respondent says the District’s “reliance on volume and timing...risks converting s. 43 into a convenience mechanism rather than a safeguard against genuine misuse.”⁶⁵

Analysis and findings, unreasonable interference

[66] I find the wording of the Excessively Broad Requests, Systematic Requests and Repetitious Requests relevant to consider in determining whether responding would unreasonably interfere with the District’s operations. These requests are not, for example, requests for a small number of discrete identifiable records. Many of the requests contain multiple parts, many seek “all records” or “all internal communications” and others specifically seek numerous types of records. In my view, this expansive wording increases the time and effort required to search and respond to each request. Therefore, I find it reasonable to conclude that responding to the Excessively Broad Requests, Systematic Requests and Repetitious Requests would require a significant amount of time and resources.

[67] The Manager’s estimate that responding would take over 1,000 hours is not directly applicable because it is based on responding to requests 5-31, and the Excessively Broad Requests, Systematic Requests and Repetitious Requests amount to only 17 of those 27 requests.⁶⁶ However, based on that estimate and the wording of the requests, I am satisfied that responding to the Excessively Broad Requests, Systematic Requests and Repetitious Requests, which are in total 19 requests, would take a minimum of 500 hours, if not significantly more. I find that this is an excessive amount of time for the District to spend responding to one access applicant.

[68] Additionally, the 19 Excessively Broad Requests, Systematic Requests, and Repetitious Requests were all filed in a short time period of less than two months. In comparison, the District only received 43 access requests from individuals other than the respondent from January 1, 2025 until the date of the

⁶³ Manager’s affidavit at para 26.

⁶⁴ District’s initial submission at para 156.

⁶⁵ Respondent’s response submission at page 3.

⁶⁶ There are 19 Excessively Broad Requests, Systematic Requests, and Repetitious Requests. Two of those requests are not part of the estimate of over 1,000 hours because they were submitted after the date of the Manager’s affidavit.

first s. 43 application.⁶⁷ The time and resources available to respond to access requests is finite, the District must respond to access requests within the timelines set out in FIPPA, and the respondent is not the only access applicant requiring the District's attention.⁶⁸ I find that responding to the Excessively Broad Requests, the Systematic Requests, and the Repetitious Requests would negatively impact the rights of other access applicants as it would diminish the resources available to respond to them.

[69] For these reasons, I find that responding to the Excessively Broad Requests, the Systematic Requests, and the Repetitious Requests would unreasonably interfere with the District's operations.⁶⁹ I consider next whether any of the remaining outstanding requests (the Remaining Requests) are frivolous or vexatious.⁷⁰

Frivolous or vexatious, s. 43(a)

[70] Section 43(a) allows the Commissioner to authorize a public body to disregard an access request because the request is frivolous or vexatious.

[71] Requests that are frivolous or vexatious are an abuse of the right to access information under FIPPA.⁷¹ Both frivolous and vexatious requests are made for a purpose other than a genuine desire to access information.

[72] The terms "frivolous" and "vexatious" are not defined in FIPPA. Frivolous requests include requests that are trivial or not serious.⁷² One OIPC order found that a request was frivolous where the respondent cancelled a large access request after the public body had spent significant time processing the request.⁷³

[73] Vexatious requests are made for a purpose other than a genuine desire to access information, such as those made in bad faith, for a malicious purpose, or for the purpose of harassing or obstructing the public body.⁷⁴ Past orders have found requests to be vexatious because:

- The purpose of the requests was to pressure the public body into changing a decision or taking an action;⁷⁵

⁶⁷ The Manager says the District received 70 FOI requests from January 2025 to the date of his affidavit, including the 27 outstanding requests from the respondent.

⁶⁸ The timelines for responding are in ss. 7 and 10.

⁶⁹ Requests 5, 7, 8, 14-16, 19-22, 25-31, 36 and 37.

⁷⁰ Requests 6, 9-13, 17-18, 23-24 and 32-35.

⁷¹ Auth. (s. 43) 02-02, *supra* note 7 at para 25 and *Crocker, supra* note 21 at para 3.3.

⁷² Auth. (s. 43) 02-02, *supra* note 7 at para 27.

⁷³ Order F18-09, 2018 BCIPC 11 at para 29.

⁷⁴ Order F22-08, 2022 BCIPC 8 at para 83.

⁷⁵ Decision F08-10, 2008 CanLII 57362 (BC IPC) at paras 38-39; Order F13-16, 2013 BCIPC 20 at para 20.

- The respondent was motivated by a desire to harass the public body;⁷⁶
- The intent of the requests was to express displeasure with the public body or to criticize the public body's actions;⁷⁷ and
- The requests were intended to be punitive or to cause hardship to an employee of a public body.⁷⁸

[74] Additionally, in Auth. (s. 43) 02-02, former Commissioner Loukidelis said that the fact one or more requests are repetitive may support a finding that a specific request is frivolous or vexatious.⁷⁹

[75] The District submits that the outstanding requests are independently "objectionable" and that, viewed collectively, they are frivolous and vexatious.⁸⁰

[76] The respondent says the District has not established that the requests are frivolous or vexatious.⁸¹

Are the Remaining Requests vexatious?

[77] The District submits that the history of the respondent's interactions with its freedom of information office "paint[s] a clear picture that the requests are being brought for the improper purpose of harassing the District, rather than asserting legitimate rights."⁸²

[78] The District says the outstanding requests are vexatious because of the unreasonable volume of requests, the repetitious nature of some of the requests, and because some of the requests improperly seek access to information which is "obviously privileged."⁸³ Additionally, the District says that the outstanding requests are vexatious because they "reflect" the respondent's dissatisfaction with the District's responses to his previous requests and attempt to test those responses.⁸⁴

[79] The District also says that the respondent's behaviour indicates that the outstanding requests are vexatious. Specifically, the District says the respondent has repeatedly complained to the OIPC about previous requests and refused to narrow the scope of the outstanding requests to information pertinent to his

⁷⁶ Order F13-18, 2013 BCIPC 25 at para 36.

⁷⁷ Decision F10-11, 2010 BCIPC 51 at para 35; Order F16-24, 2016 BCIPC 26 at para 40; Order F20-15, 2020 BCIPC 17 at para 33.

⁷⁸ Order F19-44, 2019 BCIPC 50 at paras 33-34.

⁷⁹ Auth. (s. 43) 02-02, *supra* note 7 at para 27.

⁸⁰ District's initial submission at para 39.

⁸¹ Respondent's response submission at page 4.

⁸² District's initial submission at para 171.

⁸³ District's initial submission at paras 158 and 162.

⁸⁴ District's reply submission at paras 3 and 10.

child's case.⁸⁵ Additionally, the District says that the respondent is criticizing the District and its lawyers on the family website and using artificial intelligence to prepare his requests, correspondence, and submissions.⁸⁶

[80] The respondent says that he made the outstanding requests in good faith. He explains that he targeted specific custodians and timeframes and used non-duplicative language. He also says the outstanding requests demonstrate “accommodations for severance, and repeated invitations to clarify scope before refusal.”⁸⁷

[81] The respondent also says that some of the outstanding requests are “reactive in nature” and seek records created “because the District chose to escalate matters through s. 43 and legal counsel.”⁸⁸ The respondent does not specify which of the outstanding requests are “reactive” in this way.

[82] In reply, the District says the respondent's response submissions indicate that the outstanding requests and the respondent's conduct are an abuse of FIPPA.⁸⁹

Analysis and findings, vexatious

[83] To begin, I find that requests 32-34 are vexatious. These requests relate to the District's first s. 43 application and its “FOI strategy” and were filed the day after the District's first s. 43 application. I am satisfied that these are the requests the respondent explained were “reactive” to the District “escalat[ing] matters through s. 43 and legal counsel.” I find that the respondent's explanation and the timing and content of these requests strongly indicate that the respondent made them for reasons other than a legitimate interest in the requested information.⁹⁰ As a result, I conclude that requests 32-34 are vexatious for the purpose of s. 43(a).

[84] However, for the reasons that follow, I am not satisfied that the balance of the Remaining Requests are vexatious.

[85] First, although the respondent made a significant number of access requests within a short period of time, I find this is insufficient evidence to support the District's claim that the Remaining Requests are vexatious.

⁸⁵ District's initial submission at para 164 and 172.

⁸⁶ District's initial submission at paras 173-174.

⁸⁷ Respondent's response submission at page 3.

⁸⁸ Respondent's response submission at page 2.

⁸⁹ District's reply submission at para 3.

⁹⁰ For similar reasoning, see Order F23-90, 2023 BCIPC 106 at paras 58-61 and Order F22-61, 2022 BCIPC 69 at paras 50-51.

[86] Second, I do not accept the District's argument that the Remaining Requests are vexatious because they repeat previous requests. Although there is some overlap between the subject matter of many of the Remaining Requests and the respondent's other access requests, I found above that the Remaining Requests are not repetitious. I come to the same conclusion here. Therefore, I do not find that the Remaining Requests are vexatious on this basis.

[87] Third, I do not accept the District's arguments that requests for "obviously privileged" information are vexatious. While three of the Remaining Requests are for records that relate to the respondent's litigation against the District, the law about privilege is nuanced and I do not expect the respondent to have a perfect understanding of what information is "obviously" subject to solicitor-client privilege.⁹¹ Additionally, s. 14 is a discretionary exception to disclosure and the District could choose to waive privilege and disclose information to which s. 14 applies. I do not expect the respondent to predict what information the District will withhold on the basis of s. 14.

[88] Fourth, I do not accept the District's argument that the Remaining Requests are vexatious because they are an attempt to test the District's responses to past requests. In my view, the respondent "testing" the District's response to past requests is part of his self-described "systematic reconciliation exercise." However, I was unable above to identify any of the Remaining Requests as part of the respondent's systematic reconciliation exercise and I remain unable to do so based on the materials before me. As a result, I am not persuaded that the Remaining Requests are vexatious on this basis.

[89] Finally, in my opinion, the respondent's conduct does not establish that the Remaining Requests are vexatious.

[90] I can see that the OIPC has opened three files in response to the respondent's previous requests.⁹² In my view, this is not a sufficient number of complaints or requests for review to be indicative of vexatiousness. Additionally, I only have evidence before me that the respondent refused to narrow the scope of three of his requests.⁹³ In my opinion, this behaviour does not indicate that the Remaining Requests are vexatious.

[91] The District also argues that the respondent used artificial intelligence in his response to its first s. 43 application and to prepare his "other recent FOI requests."⁹⁴ The District does not identify which of the outstanding requests it believes were prepared with artificial intelligence. While I accept it is possible that

⁹¹ Requests 11-13.

⁹² OIPC files F24-97328, F24-97823 and F24-98058. The District also refers to a fourth OIPC file, however this relates to the spouse's previous access request, so I am not considering it here.

⁹³ Requests 5, 6 and 10. Exhibits P, R and T to the Manager's affidavit.

⁹⁴ District's initial submission at para 176.

the respondent used artificial intelligence to prepare his submissions and access requests, I am not persuaded that this indicates that the Remaining Requests are vexatious.

[92] Finally, with respect to the respondent's conduct, the District provides an excerpt of the respondent's family website. In this excerpt, the respondent simply notes that the District has retained certain lawyers and law firms to represent it in its s. 43 applications and court proceedings.⁹⁵ In my view, nothing the respondent says in this excerpt is a criticism of the District's legal counsel.

Summary, vexatious

[93] Considering all the evidence before me, I find that three of the remaining requests are vexatious (the Vexatious Requests).⁹⁶ However, I am not persuaded that the balance of the Remaining Requests are vexatious (the Non-Vexatious Requests).⁹⁷ I will go on to consider whether the Non-Vexatious Requests are frivolous.⁹⁸

Are the Non-Vexatious Requests frivolous?

[94] The District says that some of the outstanding requests are not serious. As an example, it refers to the portion of request 5 that is for all records containing the words "risk" or "liability."⁹⁹ The District also says that the respondent's unwillingness to narrow the remaining requests to information pertinent to the child's case "compound[s] the appearance of frivolousness."¹⁰⁰

[95] I understand the District's position to be that request 5 is "not serious" because it is broad. However, request 5 is not one of the Non-Vexatious Requests and the District does not explain how any of the Non-Vexatious Requests are similarly "not serious." Additionally, I found above that the respondent only refused to narrow the scope of three requests.¹⁰¹ While two of these requests are Non-Vexatious Requests, I am not persuaded that the respondent's unwillingness to narrow their scope means that they are frivolous.¹⁰²

[96] Nothing before me suggests that the Non-Vexatious Requests are regarding trivial matters or are not serious. In my view, there is insufficient

⁹⁵ District's initial submission at para 173.

⁹⁶ Requests 32-34.

⁹⁷ Requests 6, 9-13, 17-18, 23-24 and 35.

⁹⁸ I will not consider whether the Vexatious Requests are frivolous because I have already found they are vexatious.

⁹⁹ District's initial submission at para 163.

¹⁰⁰ District's initial submission at para 164.

¹⁰¹ Requests 5, 6 and 10.

¹⁰² Requests 6 and 10.

information before me to suggest that the Non-Vexatious Requests are frivolous. I conclude that the Non-Vexatious Requests are not frivolous.

Summary, s. 43

[97] I found above that responding to requests 5, 7, 8, 14-16, 19-22, 25-31, 36 and 37 would unreasonably interfere with the operations of the District because each of these requests are either excessively broad, repetitious, or systematic. I also found that requests 32-34 are vexatious.

What is the appropriate relief?

[98] Section 43 can be used to authorize a public body to disregard present and future FIPPA requests.¹⁰³ Any remedy under s. 43 must be proportional to the harm inflicted.¹⁰⁴ Previous orders have tailored remedies to the circumstances of each case and have considered factors such as:

- A respondent's right to their own personal information;
- Whether there are any live issues between the public body and the respondent;
- Whether there are likely to be any new responsive records;
- The respondent's stated intentions;
- The nature of past requests; and
- Other avenues of obtaining information in the past and future available to the respondent.¹⁰⁵

[99] The District seeks authorization to disregard the outstanding requests, any additional requests made prior to the date of this decision, and all access requests made by or on behalf of the respondent for one year from the date of this decision. The District says that future relief is justified because of the respondent's frequent, repeated requests and his habit of filing multiple requests one after the other.

[100] The respondent does not address the prospective relief requested by the District beyond requesting that the s. 43 applications be dismissed.

[101] I find it appropriate to authorize the District to disregard the Excessively Broad Requests, the Repetitious Requests, the Systematic Requests, and the Vexatious Requests.

¹⁰³ *Mazhero v British Columbia (Information and Privacy Commissioner)*, 1998 CanLII 6010 (BC SC) at para 15.

¹⁰⁴ *Crocker*, *supra* note 21 at para 54.

¹⁰⁵ Order F20-15, 2020 BCIPC 17 at para 34.

[102] I decline to grant the District's request for authorization to disregard any requests that were made between January 9, 2026 and the date of this decision. I do not know whether any such requests exist and, if they do, they are not the subject of the s. 43 applications that are before me. I am not aware of any previous orders granting this type of relief and the District does not adequately explain why it would be appropriate to do so in this matter. However, nothing in this decision prevents the District from applying under s. 43 to disregard any requests made between January 9, 2026 and the date of this decision.

[103] I also decline to grant the District's request for authorization to disregard all future requests from the respondent for one year because I find this would unduly restrict the respondent's ability to make legitimate requests that do not violate s. 43.

[104] However, I conclude that some relief managing the Non-Vexatious Requests and future requests is appropriate in the circumstances.

[105] Subject to any applicable extensions or suspensions of time, s. 7(1) states that a public body must respond no later than 30 days after receiving a written request for access to records. Section 7(3) provides that the 30-day deadline does not include the period from the start of a s. 43 application to the end of the day a decision is made on that application. Therefore, the 30-day time limit would normally recommence with respect to all of the Non-Vexatious Requests once I make a decision on these s. 43 applications.

[106] However, I am cognizant of the impact that responding to the Non-Vexatious Requests (requests 6, 9-13, 17, 18, 23, 24 and 35) all at once would have on the District's operations. In order to manage this burden, I authorize the District to respond to these requests one at a time as follows:

- The s. 7 time limits for responding to the Non-Vexatious Requests will not automatically recommence following this decision.
- In order to pursue any or all of the Non-Vexatious Requests, the respondent must provide the following information to the District in writing by May 29, 2026:
 - 1) which of the Non-Vexatious Requests he wishes to pursue (the Specified Requests); and
 - 2) the order in which he wishes to have the District respond to the Specified Requests.

I will refer to this information (i.e., the respondent's written identification of the Specified Requests and the desired response order) as the Required Information.

- The District's time limit for responding to the first of the Specified Requests will recommence the day after the respondent provides the Required Information to the District.¹⁰⁶
- The District's time limit for responding to each of the subsequent Specified Requests will recommence the day after the District responds to the previous Specified Request, or, if the District does not respond to the previous Specified Request within the required time limit, the day after the District's time limit to respond to the previous Specified Request expires.¹⁰⁷
- Nothing in this decision prevents the District from extending or suspending the time limits for any of the Specified Requests in accordance with ss. 7 and 10.
- The District is authorized to disregard any access requests the respondent makes while it is responding to the Specified Requests.

[107] After the District responds to the Specified Requests, I find it appropriate to authorize the District to disregard all access requests made by the respondent over and above a single access request at a time, for a period of one year. This approach addresses the excessive consumption of the District's resources while preserving the respondent's ability to reasonably exercise his access rights. The respondent should not circumvent this remedy by including multiple categories of requested records in a single request because doing so is, in substance, making multiple access requests at the same time.¹⁰⁸ Therefore, I find that it is also appropriate to give the District the discretion to determine what constitutes a single access request.

Guidance for the parties

[108] To manage future access requests, the District may wish to consider the following guidance:

¹⁰⁶ For example, if the respondent provides the Required Information to the District on April 30, 2026, the s. 7 time limit for the first of the Specified Requests will recommence on May 1, 2026.

¹⁰⁷ For example, if the District's time limit for responding to the first Specified Request expires on May 25, 2026 and the District does not respond to the first Specified Request by May 25, 2026, the time limit for responding to the second Specified Request recommences on May 26, 2026.

¹⁰⁸ For a similar finding, see Order F25-47, 2025 BCIPC 55 at para 77.

- FIPPA allows public bodies to charge certain fees and to encourage applicants to narrow their requests. These things could reduce the burden on public bodies.
- FIPPA does not grant a right to ask questions or receive a response to questions. Therefore, a public body's decision about whether to respond to questions is outside FIPPA.
- Requests for records must comply with s. 5(1)(a) which says that a request must provide "enough detail to enable an experienced employee of the public body, with a reasonable effort, to identify the record sought,..."¹⁰⁹

[109] As additional guidance, previous orders have established that public bodies are not normally required to disclose copies of records they have already provided to an access applicant, either through a previous request or by another avenue of access. A public body need only respond by identifying when those records were provided to the access applicant.¹¹⁰

[110] Finally, it is important for the respondent to recognize that other members of the public have an equal right to a share of the public resources allocated to respond to access requests. When a respondent overburdens the FIPPA system, it has a negative impact on others who want to legitimately exercise their FIPPA rights.

CONCLUSION

[111] For the reasons given above, I make the following authorization under s. 43 of FIPPA:

1. The District is authorized under ss. 43(a) and 43(c) to disregard requests 5, 7, 8, 14-16, 19-22, 25-34, 36 and 37.
2. In order to pursue any of requests 6, 9-13, 17, 18, 23, 24 and 35, by May 29, 2026 the respondent must provide the following information to the District in writing:
 - a. Confirmation of which of requests 6, 9-13, 17, 18, 23, 24 and 35 he wishes to pursue (the Specified Requests); and
 - b. The order in which he wishes to have the District respond to the Specified Requests.

(the Required Information).

¹⁰⁹ For similar guidance, see Order F24-15, 2024 BCIPC 21 at para 75.

¹¹⁰ For example, Order F24-65, 2024 BCIPC 75 at para 46.

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3. If the respondent provides the Required Information to the District by May 29, 2026:
 - a. The District is authorized to disregard any of requests 6, 9-13, 17, 18, 23 24 and 35 that the respondent has not identified as a request he wishes to pursue;
 - b. The District is required to respond to the Specified Requests one at a time in the order specified by the respondent and in accordance with Part 2 of FIPPA and my directions in paragraph 106 above;
 - c. The District is authorized to disregard any access requests that the respondent submits from the date of this decision until the day of the District's response to the last Specified Request, or, if the District does not respond to the last Specified Request within the time limit, the last day of the District's time limit to respond to the last Specified Request; and
 - d. After the District responds to the Specified Requests, the District is authorized, for a period of one year, to disregard all access requests that the respondent submits over and above a single access request at a time. This authorization will start the day after the District's response to the last Specified Request, or, if the District does not respond to the last Specified Request within the time limit, the day after the District's time limit to respond to the last Specified Request.

 4. If the respondent does not provide the Required Information to the District by May 29, 2026:
 - a. The District is authorized to disregard requests 6, 9-13, 17, 18, 23, 24 and 35;
 - b. The District is authorized to disregard any access requests that the respondent submits from the date of this decision until May 29, 2026; and
 - c. The District is authorized, for a period of one year, to disregard all access requests that the respondent submits over and above a single access request at a time. This authorization will start on May 30, 2026.

 5. If the respondent informs the District that he does not wish to pursue requests 6, 9-13, 17, 18, 23, 24 and 35:
 - a. The District is authorized to disregard requests 6, 9-13, 17, 18, 23, 24 and 35;
 - b. The District is authorized to disregard any access requests that the respondent submits from the date of this decision until the day the

respondent informs the District that he does not wish to pursue requests 6, 9-13, 17, 18, 23, 24 and 35; and

- c. The District is authorized, for a period of one year, to disregard all access requests that the respondent submits over and above a single access request at a time. This authorization will start the day after the respondent informs the District that he does not wish to pursue requests 6, 9-13, 17, 18, 23, 24 and 35.
6. The District is authorized to determine what constitutes a single access request for the purposes of the authorizations granted under items 3(d), 4(c) and 5(c) above.

April 16, 2026

ORIGINAL SIGNED BY

Elizabeth Vranjkovic, Adjudicator

OIPC File No.: F25-02688 & F25-02864