Order F26-45

MINISTRY OF HEALTH

Carol Pakkala
Adjudicator

June 10, 2026

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Summary: An applicant requested access, under the *Freedom of Information and Protection of Privacy Act* (FIPPA), to records related to himself. The Ministry of Health (Ministry) disclosed some responsive records and withheld information under various sections of FIPPA. The applicant disputed the Ministry's response and complained that it did not conduct an adequate search for records as part of its duty to assist under s. 6(1). The Ministry then conducted a subsequent search. The adjudicator found that the Ministry failed to meet its duty to assist under s. 6(1) and ordered it to conduct another search for responsive records. The adjudicator also found the Ministry was required to withhold some, but not all, of the information at issue under s. 22(1). The adjudicator ordered the Ministry to disclose the information it was not authorized to withhold.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996 c. 165, ss. 6(1), 22(1), 22(2), 22(2)(f), 22(3)(a), 22(3)(d), 22(4), and 22(5)(a).

INTRODUCTION

[1] An individual (applicant) requested access to records related to himself from the Ministry of Health (Ministry). The Ministry disclosed responsive records but withheld some information under ss. 13(1) (advice or recommendations), 19 (harm to individual or public safety), and 22(1) (unreasonable invasion of a third party's personal privacy) of the *Freedom of Information and Protection of Privacy Act* (FIPPA).[1]

[2] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review the Ministry's decision. The applicant also complained to the OIPC about the adequacy of the Ministry's search for responsive records.

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

[3] The OIPC's investigation and mediation process did not resolve the issues between the parties, and the matter proceeded to this inquiry. Both parties provided written submissions.

[4] During the submission phase of this inquiry, the Ministry indicated it now only relies on s. 22.[2] The records provided in this inquiry contain only severing under s. 22. Therefore, I conclude ss. 13 and 19 are not at issue and I will not consider them any further.

Preliminary matters

Matters outside the scope of this inquiry

[5] The applicant's submission addresses several matters that are beyond the scope of this inquiry. Those matters include two previous access requests[3] and numerous allegations of wrongdoing on the part of the Ministry and its lawyers.[4]

[6] This inquiry is solely about whether the Ministry has complied with FIPPA in its response to the applicant's June 5, 2023 access request. For this reason, I will only refer to those portions of the applicant's submission that relate to that response.

New issue – s. 25

[7] The Ministry says that the applicant attempts to add s. 25 as an issue in this inquiry.[5] I do not read the applicant's submission as an attempt to raise s. 25 as an issue.

[8] The applicant says s. 25 mandates disclosure without delay for matters of public interest which he says further highlights the inappropriateness of the Ministry's secrecy.[6] The applicant says that in this case, the Ministry has done the opposite of s. 25 by delaying, withholding, ignoring, and now attempting to intimidate.[7]

[9] I understand the applicant's statements about s. 25 to be his observations about the Ministry's conduct. I do not view them as saying that s. 25 mandates disclosure of these records in the public interest. For this reason, I do not

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[2] Ministry's initial submission at para 8.
[3] Applicant's submission at paras 2 and 35. The access request at issue in this inquiry is dated June 5, 2023. The applicant refers to access requests made in 2020 and in 2021.
[4] See for example the applicant's submission at paras: 12(c)-cover up; 13-protecting the Northern Health Authority; 14-protecting itself; 37-intimidation; 40-corruption; 47-systemic bad faith; and 48-deliberate withholding.
[5] Ministry's reply submission at para 26.
[6] Applicant's submission at para 12(b).
[7] *Ibid* at para 39.

consider the applicant to be requesting the addition of s. 25 as an issue in this inquiry.[8]

ISSUES AND BURDEN OF PROOF

[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 by s. 6(1)?

2. If the Ministry failed to conduct an adequate search, what is the appropriate remedy?

3. Is the Ministry required to refuse to disclose the information at issue under s. 22(1)?

[11] FIPPA does not set out the burden with regards to s. 6(1). Past orders have said the burden is on the public body to show that it has performed its duties under s. 6(1).[9] The Ministry accepts that it bears the burden of proof in this inquiry with respect to section 6.[10]

[12] 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).[11]

DISCUSSION

Background[12]

[13] Health authorities in BC are directly accountable to the Ministry for the delivery of medical care within their specific geographic area. The applicant is a psychiatrist who delivered his services to patients within the geographic area of the Northern Health Authority (Northern Health).

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[8] For the sake of completeness, I note that s. 25 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 approval. The applicant neither sought nor gained such prior approval. In the absence of prior approval or exceptional circumstances favoring the addition of the issue, the OIPC will usually decline to add it after an inquiry has begun. I see no exceptional circumstances which favour adding s. 25(1) to this inquiry and I decline to do so.
[9] For example, Order F23-38, 2023 BCIPC 45 (CanLII) at para 5 and Order F20-13, 2020 BCIPC 15 (CanLII) at para 13.
[10] Ministry's initial submission at para 11.
[11] Order 03-41, 2003 CanLII 49220 (BC IPC) at paras 9-11.
[12] These background facts were taken from the submissions of the parties and are not in dispute.

[14] The applicant requested access to all documents in the Ministry's possession relating to himself for a specified time period. The request reads:

> "any and all documents in the Ministry of Health's possession relating to Dr. [applicant's first and surname] aka [applicant's first and surname] ("Dr. [applicant's surname]"). Dr. [applicant's surname] also owns a company under the name of DR. [applicant's initials and surname] PSYCHIATRY SERVICE INC.
>
> Kindly provide the following documents, including but not limited to: court documents, notes, letters, complaints and allegations, feedback, reports, or anything else on file regarding Dr. [applicant's surname] in practice, etc."[13]

[15] The Ministry conducted an initial search and provided the applicant with 59 pages of records. After the applicant complained to the OIPC about the adequacy of the Ministry's search for responsive records, the Ministry did another search and produced a further 84 pages of responsive records.

Information at issue

[16] The records are 143 pages with 52 pages containing the information at issue.[14] The records consist primarily of emails but also include memos, letters, telephone response logs, and synopsis notes. The Ministry provided these records in their entirety as evidence in this inquiry.[15]

Duty to assist – s. 6(1)

[17] Section 6(1) reads as follows:

> The head of a public body must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.

[18] Previous orders clearly establish that the duty to assist under s. 6(1) includes conducting an adequate search for records responsive to an access request. A public body must undertake search efforts that a fair and rational person would find acceptable in all the circumstances. In other words, the standard for the adequacy of that search is not one of perfection, but rather of reasonableness.[16]

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[13] Applicant's access request dated June 5, 2023.
[14] The Fact Report says there are 59 pages of records. The additional 84 pages were provided to the applicant following his adequate search complaint.
[15] I mention this here because the applicant specifically asked that I order production of the records for review.
[16] Order 02-18, 2002 CanLII 42443 (BC IPC) at para 7. See also, Order 00-26, [2000] B.C.I.P.D. No. 29.

[19] 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 it 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.[17]

Parties' submissions – s. 6(1)

[20] The Ministry says that it conducted an adequate search for responsive records based on the applicant's original access request and the supplemental information contained in his complaint.[18]

[21] The Ministry says its records are held in nine different divisions. The Ministry says it identified the former Health Sector Workplace and Beneficiary Services Division as the most likely location for responsive records.[19] The Ministry identifies this division as having nine branches[20] of which it identified three as potentially holding records responsive to the applicant's access request.[21]

[22] The Ministry says that each of the three branches conducted a search of their Local Area Network, and their staff conducted searches for responsive records in Microsoft Outlook and Teams, on their personal workstations, and in their hard copy files.[22]

[23] The Ministry says it made a fair and reasonable effort to find all possible responsive records. The Ministry further says it has no reason to believe that there are any responsive records that have not been identified. The Ministry says a fair and rational person would find the Ministry's search efforts acceptable in the circumstances.[23]

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[17] Order 00-32, 2000 BCIPC 35 (CanLII), p. 5.
[18] Ministry's initial submission at para 27.
[19] *Ibid* at para 23.
[20] *Ibid* at para 24. Those branches are identified as: Physician Services, Compensation Policy and Programs, Labour and Agreements, Professional Regulation and Oversight, Emergency Medical Assistant Licensing, Health Workforce Planning and Strategic Initiatives, Beneficiary and Diagnostic Services, Allied Health Policy Secretariat, and Nursing Policy Secretariat.
[21] Ministry's initial submission at para 28. The Ministry identifies those departments as the: Professional Regulation and Oversight Branch; Physician Services Branch; and Primary Care Planning, Implementation and Oversight, Health Services Integration Division.
[22] Ministry's initial submission at para 30.
[23] *Ibid* at para 33.

[24] In support of its position, the Ministry offers affidavit evidence from four of its directors responsible for different program areas.[24] Each affidavit outlines the steps taken in the search for responsive records.

[25] The applicant disagrees with the Ministry's position. The applicant says the Ministry did not fulfill its duty to assist him. Specifically, the applicant says the Ministry:

- failed to search obvious sources;
- for the search it did do, did not identify the search terms used, the date range applied, or confirm that archived emails and backup systems were searched;
- admitted the insufficiency of its initial search; and
- cannot rely on an applicant to do its work.[25]

[26] In support of his position, the applicant provides a copy of a Ministry document dated October 17, 2018. This document is a form with the title "Request for Information" (Form). The Form is authored by the Ministry's Team Lead of Patient Client Relations and is directed to Northern Health. The applicant provided a copy of this Form for review in this inquiry.

Analysis – s. 6(1)

[27] For the reasons below, I find that the Ministry failed to meet its duty to assist under s. 6(1) because it did not conduct an adequate search for records.

[28] The first step in assessing the Ministry's efforts to respond openly and accurately involves looking at what it was responding to i.e., interpreting the access request. This interpretation determines the nature and scope of the search for responsive records.[26]

The access request

[29] Unlike in many previous orders, the access request here is straightforward and requires very little interpretation. The applicant requested all documents

[24] Executive Director, Professional Regulation & Oversight, Health Workforce Policy and Planning; Executive Director, Physician Services Branch; Provincial Director, Primary Care Models of Care, Primary Care Planning, Implementation and Oversight, Health Services Integration; Director, FOI, Litigation and Reporting, Corporate Issues and Client Relations.
[25] Applicant's submission at paras 6-7.
[26] Order F25-96, 2025 BCIPC 112 at para 23 citing Order F20-05, 2020 BCIPC 5 (CanLII) at para 31; and Order 01-41, 2001 CanLII 21595 (BCIPC) at para 23.

related to himself. The applicant's first and surname are set out in the request. I would describe both his first and surname as unique.[27]

[30] In the original access request, the applicant identified a list of specific items including a reference to any records about complaints and allegations against him in his practice. In my view, the scope of this initial request clearly contemplates patient relations.

[31] The Ministry says it only searched for responsive records in its Patient Client Relations Unit after receiving the applicant's adequate search complaint.[28] The Ministry says the wording of the complaint "provided critical additional details"[29] allowing it to further refine the scope of the initial request.

[32] The Ministry does not adequately explain, and I cannot see, how the wording of the applicant's adequate search complaint changed the scope of his initial access request. The scope of his request is for all records related to himself, which clearly includes records about himself in relation to his patients.

[33] The second search, after receiving the applicant's complaint, indicates to me that the initial search efforts were not carried out as diligently as they should have been. This lack of diligence is borne out, in my view, by the discovery of the additional responsive records.[30]

Adequacy of search

[34] As noted above, former Commissioner Loukidelis clearly laid out what a public body should do to demonstrate that it conducted an adequate search.[31] In my view, his reasoning contemplates three distinct aspects of evaluating a public body's efforts to assist an applicant. I am not suggesting that in all cases, each part is required but in the instant case, each was helpful to me in assessing the adequacy of the Ministry's search efforts.

[35] The three parts consider whether a public body has provided a candid description of: (a) all potential sources of records; (b) what sources were and were not searched and why; and (c) the methods used in the search, including how they were done and staff time spent searching.

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[27] Only one of the four Ministry directors who provided evidence in this inquiry even identified using the applicant's name as a search term. See: Affidavit of the Ministry's Executive Director, Physician Services Branch at para 10.
[28] Affidavit of Ministry's Director, FOI, Litigation and Reporting, Corporate Issues and Client Relations at para 10.
[29] Ministry's initial submission at para 26.
[30] For similar reasoning, see Order 00-32, 2000 CanLII 14397 (BC IPC), p. 9.
[31] Order 00-32, 2000 BCIPC 35 (CanLII), p. 5.

(a) All potential sources

[36] For the potential sources of records, in my view the Ministry obfuscates, rather than candidly describes, those sources. The Ministry says it has nine divisions that hold records. The Ministry says it identified one of those nine divisions as the most likely location for responsive records.[32] The Ministry does not adequately explain, and I cannot see, why only that particular division was chosen.[33]

[37] The Ministry goes on to name nine branches within the one division it identified as potentially holding responsive records. The Ministry also presents, without further context, a list of names of various departments and units within that division.[34] The affidavit evidence provided by the Ministry also refers to branches within other divisions.

[38] In my view, a candid description of all of the potential sources does not consist of a word salad of names of divisions, divisions within divisions, departments, units, and branches. I cannot even describe it as an organizational chart. It is a list of names without any real description of responsibilities to clarify what types of records these divisions, departments, units, or branches hold. This list of names does not assist me to fully understand the potential sources.

[39] The Form provided by the applicant persuades me there are other potential sources of records. Further, the Ministry has not adequately explained why the Form was not discovered in its search for responsive records as it is clearly about the applicant.

[40] The Ministry says it presumes the Form was destroyed sometime between 2019 and 2023 as part of its routine records management and in accordance with the law.[35] "Presumes" is hardly convincing on a balance of probabilities.

[41] In support of its position regarding the presumed destruction of the Form, the Ministry relies on its record classification system.[36] The Ministry says the Form was generated in response to general inquiries from the public, is a log of this correspondence, and is notes regarding the Ministry's actions taken in response to the inquiries.[37]

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[32] Ministry's initial submission at para 23. The Ministry identifies this division as its former Health Sector Workplace and Beneficiary Services Division.
[33] The Ministry says it used its responsibilities list but does not adequately explain what it is or how it is used.
[34] Ministry's initial submission at paras 24-28.
[35] Ministry's reply submission at para 21.
[36] See: https://www2.gov.bc.ca/gov/content?id=4428DB4E98B442A39890167BD0E12553.
[37] Ministry's reply submission at para 20. The Ministry says the Form fell under ARC Information Schedule item 320-30.

[42] The responsive records discovered in the second search include what appear to me to be the general inquiries from the public that are referred to on the Form. If the Form was destroyed because it fell under general inquiries in the Ministry's record classification system, then the inquires would also presumptively be destroyed and yet they were not. For this reason, I am not persuaded the Form was destroyed. Further, the Form contains a request from the Ministry to Northern Health to provide further details about the applicant and I do not see that input from Northern Health in the responsive records.

[43] I find that the Ministry has not candidly described all potential sources of records.

(b) Sources searched and not searched

[44] The Ministry identifies the sources it did search as the: Professional Regulation and Oversight Branch; Physician Services Branch; and Primary Care Planning, Implementation and Oversight, Health Services Integration Division.[38] I am satisfied that the Ministry has identified the names of the sources it did search. I am not satisfied the Ministry has explained the reason for searching only those sources.

[45] For the sources it did not search, the Ministry's evidence is as follows:

> Based on the Applicant's original request, and supplemental information, the Ministry has reviewed the records to ensure that all program areas, and relevant staff, that may have responsive records have been canvassed.[39]

[46] In my view, this evidence does not adequately identify the sources that were not searched. In my view, simply saying it canvassed all program areas and relevant staff is insufficient. For example, the Ministry does not explain what program areas were ruled out and why.

[47] I find that the Ministry has not candidly described the sources of records that it did and did not search and why.

(c) Method of search

[48] The Ministry says its Freedom of Information Unit used a document called the "Responsibilities List" (list) and a mail tracking system to identify the most likely location for responsive records.[40]. The Ministry says the list contains an overview of the key program areas within the Ministry. The Ministry did not

[38] Ministry's initial submission at para 28.
[39] Affidavit of Ministry's Director, FOI, Litigation and Reporting, Corporate Issues and Client Relations at para 11.
[40] Ministry's initial submission at para 23.

provide the list itself or details about the program areas or responsibilities for my review. Saying it used the list is not, in my view, a candid description of its methods.

[49] The Ministry further says it used the list, in conjunction with the wording of the applicant's access request to determine which areas within the Ministry might hold responsive records.[41] The Ministry also says it used the wording of the applicant's adequate search complaint to conduct a further search.

[50] As noted above, I am not persuaded that there is anything in the wording of the complaint that expanded the scope of the original access request. Given that the Ministry found additional responsive records in the second search, its initial search was, in my view, inadequate.

[51] Finally on the question of the methods used, the Ministry's evidence establishes that its staff searched local area network folders, Microsoft Outlook, personal workstations, and hard copy files.[42] The Ministry provides no evidence of how much time its staff spent conducting those searches. Further, I cannot see, and the Ministry does not say, that a search for records containing the applicant's unique name is labour intensive or otherwise difficult.

[52] I find that the Ministry has not candidly described its methods for the search.

Conclusion, adequacy of search

[53] For all of the above reasons, I find the Ministry has not provided sufficient proof to demonstrate that it conducted an adequate search.

Unreasonable invasion of third party personal privacy - s. 22

[54] The Ministry relies on s. 22 to withhold information from email communications and synopses.

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

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[41] Affidavit of the Ministry's Director, FOI, Litigation and Reporting, Corporate Issues and Client Relations (Director) at paras 4-7.

[42] Affidavit of the Ministry's Executive Director, Professional Regulation & Oversight, Health Workforce Policy and Planning at para 9; Affidavit of the Ministry's Executive Director, Physician Services Branch at para 7; Provincial Director, Primary Care Models of Care, Primary Care Planning, Implementation and Oversight, Health Services Integration at para 5.

[56] Previous orders have considered the proper approach to the application of s. 22 and I apply those same principles here.[43]

Personal information

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

[58] FIPPA defines personal information as "recorded information about an identifiable individual other than contact information." Contact information is defined as "information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual."[44] Whether information is "contact information" depends upon the context in which it appears.[45]

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

Parties' positions - personal information

[60] The Ministry says the information it withheld under s. 22(1) is about identifiable individuals and is not contact information. The applicant says the information at issue is not "third party" personal information.[46]

Analysis - personal information

[61] I find that most of the information at issue is personal information. This information either directly identifies individuals by name or initials or is reasonably attributable to a particular individual, on its own or when combined with other information in the records.

[62] The applicant says his former patients are not third parties.[47] A third party is defined in FIPPA as any person, group of persons or organization other than the person who made the access request or the public body.[48] I find that all of the individuals identified in the records are "third parties" because FIPPA defines them as such.

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[43] Order F15-03, 2015 BCIPC 3 (CanLII) at para 58 sets out a summary of the steps in a s. 22 analysis which I follow here.
[44] FIPPA, Schedule 1.
[45] Order F20-13, 2020 BCIPC 15 (CanLII) at para 42.
[46] Applicant's submission at para 17.
[47] *Ibid* at para 17.
[48] Schedule 1.

[63] The personal information includes names, initials, email and residential addresses, education details, employment details, and medical information.

[64] I find some of the information at issue is not personal information because it is contact information. This information is the cell phone numbers of Ministry employees contained in the signature block of emails.[49] While the Ministry says that none of the information at issue is contact information,[50] it does not further explain.

[65] The cell phone numbers of the Ministry employees appear in the signature block that also includes the title of those employees, their mailing and email addresses, and other phone numbers. Only the cell phone numbers in the signature blocks have been withheld. The Ministry does not say, and I cannot see, that these cell phone numbers are for personal cell phones.

[66] The definition of "contact information" looks at the purpose of the contact information.[51] The numbers appear in the signature block of emails whose main purpose was to conduct Ministry business. In my view, the cell numbers are clearly for use in contacting these individuals for work purposes.[52]

[67] I find, therefore, that these cell numbers are "contact information" and not personal information. This finding means that s. 22(1) does not apply to them and the Ministry must disclose them.

[68] The Ministry also withheld other phone numbers and residential and email addresses. I find this information is not contact information because of the context in which they appear in the records. Their purpose is clearly not for those individuals to be contacted at their place of work. Those phone numbers and addresses are therefore their personal information.

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

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

[70] The Ministry says that none of the sub-sections in s. 22(4) apply. The applicant does not comment specifically on s. 22(4). I reviewed all the subsections under s. 22(4) and I find that none apply.

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[49] Pages 5, 15, 30, 34, and 48 of the Original Records package (59-page package).
[50] Ministry's initial submission at para 47.
[51] Order F22-30, 2022 BCIPC 33 (CanLII) at para 20.
[52] For similar reasoning, see Order F20-52, 2020 BCIPC 61 (CanLII) at paras 22-27.

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

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

[72] The Ministry says ss. 22(3)(a) and (d) apply,[53] so I consider them below. The applicant says s. 22(3)(a) does not apply[54] and does not comment specifically on s. 22(3)(d). I also considered whether any of the other subsections under s. 22(3) might apply and find they do not.

Medical condition or history – s. 22(3)(a)

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

[74] The Ministry says s. 22(3)(a) applies to the patients' information here even though they may be the applicant's former patients. The Ministry says the personal information of those patients is not related to the diagnoses and treatment provided by the applicant.[55] The Ministry further says the very fact that the third parties saw a psychiatrist is their confidential and sensitive personal information, such that the presumption under s. 22(3)(a) applies[56].

[75] The applicant says s. 22(3)(a) does not apply because the information reveals the perspectives of those patients about a public health care controversy, not their intimate medical details.[57]

[76] I find that s. 22(3)(a) does apply to the information about the applicant's former patients because it relates to their medical, psychiatric or psychological history and condition.

[77] While the applicant is correct that some of the withheld information can generally be described as the patients' perspectives, those perspectives are informed by their medical, psychiatric or psychological history and condition. Those histories and conditions are specifically revealed in the information. Disclosure of this information is therefore presumed to be an unreasonable invasion of the personal privacy of those individuals.

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[53] Ministry's initial submission at paras 50 and 55.
[54] Applicant's submission at para 20.
[55] Ministry's initial submission at para 52.
[56] Ministry's reply submission at para 29.
[57] Applicant's submission at para 20.

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

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

[79] The Ministry identifies the information to which it says s. 22(3)(d) applies. The applicant does not comment specifically on the application of s. 22(3)(d).

[80] I find that s. 22(3)(d) applies to the information identified by the Ministry. Some information is about an individual's past employment status which is their employment history. Other information is about individuals' education credentials which is their educational history. Disclosure of this information is presumed to be an unreasonable invasion of the personal privacy of those individuals.

Relevant circumstances – s. 22(2)

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

[82] The Ministry says that s. 22(2)(f) – information supplied in confidence – weighs against disclosure.[58] The applicant says the Ministry has provided no evidence-such as affidavits from the third parties to establish that confidentiality was expected or agreed upon.[59]

[83] I reviewed the information at issue, and I can see that some of the information is very personal in nature and is not information that is normally widely shared. From the context provided by the records, I am satisfied that the suppliers of this information had an expectation of confidentiality such that s. 22(2)(f) weighs against its disclosure.

[84] After considering all of the other circumstances listed in s. 22(2), I find that none of them weigh in favour of disclosure.

[85] I also considered other relevant circumstances not listed in s. 22(2). In particular, I considered whether the applicant's prior knowledge weighs in favour of disclosure. For the reasons that follow, I find it does not.

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[58] Ministry's initial submission at para 58.
[59] Applicant's submission at para 29.

[86] The applicant identifies his prior knowledge of his patients' information as a factor weighing in favour of disclosure. I am not persuaded by this argument. The applicant may already know some of the personal information of his former patients but his status as their former physician does not, in my view, outweigh their privacy.[60]

[87] The applicant's prior knowledge does not weigh in favour of disclosure of any information about his former patients' medical conditions after they ceased to be his patients. Further, his prior knowledge does not weigh in favour of the disclosure of other personal information not related to the diagnoses and treatment he provided.[61] I find the applicant's prior knowledge does not weigh in favour of the information at issue here.

[88] Another relevant circumstance I considered is that some of the personal information at issue is concurrently the applicant's personal information because it is about him. I find however, that his personal information is inextricably intertwined with that of various third parties. For that reason, I find that this circumstance does not weigh in favour of disclosure.

Duty to provide a summary – s. 22(5)(a)

[89] Section 22(5)(a) says that where information is supplied in confidence about an applicant and a summary can be prepared without revealing the identity of the third party who supplied it, the public body must give one to the applicant.

[90] The applicant says the Ministry has a duty to provide a summary of the withheld information.[62] The Ministry says s. 22(5)(a) does not apply because the information at issue is about the individuals who supplied the information, not about the applicant.[63]

[91] I reviewed the information supplied in confidence about the applicant and I am not persuaded that a summary can be prepared without disclosing the identity of the third party who supplied that information. I find the Ministry is not required by s. 22(5)(a) to provide the applicant with a summary of this information.

Conclusion - s. 22

[92] I found that the cell phone numbers of Ministry employees listed in their signature blocks is not personal information. Given it is not personal information,

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[60] The applicant is not asking for access to patient information in his professional capacity in order to treat those patients.
[61] For similar reasoning, see Order F10-41, 2010 CanLII 77327 (BC IPC) at para 23.
[62] Applicant's submission at para 22.
[63] Ministry's reply submission at para 30.

it cannot be withheld under s. 22(1). I found the balance of the information withheld by the Ministry under s. 22(1) is personal information.

[93] I found that ss. 22(3)(a) and (d) apply to some of the personal information so disclosing that information is presumed to be an unreasonable invasion of third party personal privacy. I found there are no circumstances that would rebut those presumptions.

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

[95] Aside from the information which I found is not personal information, the Ministry is required to withhold the personal information it withheld under s. 22(1). Further, the Ministry is not required by s. 22(5)(a) to provide the applicant with a summary of personal information supplied in confidence about the applicant.

CONCLUSION

[96] For the reasons given above, I conclude the Ministry did not perform its duty under s. 6(1) of the Act to search for records responsive to the applicant's request. I further conclude the Ministry is required to withhold some, but not all, of the information at issue under s. 22(1). Accordingly, I make the following order under s. 58:

1. I require the Ministry to perform its duty under s. 6(1) of the Act by searching again for records responsive to the applicant's access request. Under s. 58(4), I specify further conditions for the performance of that duty as follows:

    a. conduct a search for the Form and for any information related to the Form and/or to the applicant's provision of his services as a psychiatrist with Northern Health and his departure from that position;

    b. conduct its search of all appropriate sources, including but not limited to the records held by its branches within the division it already searched[64] and its division(s) responsible for patient client relations and for the delivery or health services in the Northern Health region;[65] and

[64] Professional Regulation and Oversight Branch; Physician Services Branch; Primary Care Planning, Implementation and Oversight, and Health Services Integration Division.
[65] One division I saw that potentially might hold responsive records is the Professional Regulation and Oversight Branch.

c. write a decision letter to the applicant, copied to the OIPC's Registrar of Inquiries, confirming where it searched and the results of that search; and,

d. if further responsive records are found, provide a decision about them to the applicant, copied to the OIPC's Registrar of Inquiries, in compliance with ss. 8 and 9.

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 cell phone numbers in the email signature blocks that I found are not personal information on pages 5, 15, 30, 34, and 48 of the original records package.

Pursuant to s. 59(1) of FIPPA, the public body is required to comply with this order by July 23, 2026.

June 10, 2026

ORIGINAL SIGNED BY

Carol Pakkala, Adjudicator

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