



Order F26-51

**OFFICE OF THE PREMIER,  
MINISTRY OF FINANCE, and  
MINISTRY OF FORESTS**

David S. Adams  
Adjudicator

June 18, 2026

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**Summary:** An applicant requested records relating to the provincial government's response to several wildfire incidents from the Office of the Premier, Government Communications and Public Engagement, and the Ministry of Forests (the public bodies) under the *Freedom of Information and Protection of Privacy Act* (FIPPA). The public bodies withheld information in the responsive records under ss. 13(1) (advice or recommendations), 15(1)(l) (harm to the security of a property or system), and 22(1) (unreasonable invasion of third-party privacy) of FIPPA. The adjudicator found that one of the public bodies was authorized to refuse to disclose the information it withheld under s. 15(1)(l), and that the public bodies were authorized or required to refuse to disclose some, but not all, of the information they withheld under ss. 13(1) and 22(1). The adjudicator ordered the public bodies to disclose to the applicant the information they were not authorized or required to withhold.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, RSBC 1996 c. 165, ss. 13(1), 13(2)(g), 13(2)(k), 13(3), 15(1)(l), 22(1), 22(2)(a), 22(2)(e), 22(2)(f), 22(2)(h), 22(3)(d), 22(3)(i), and 22(4)(e).

## INTRODUCTION

[1] A journalist (the applicant) requested records related to several wildfire-related incidents from the Office of the Premier (the OOP), Government Communications and Public Engagement (GCPE), and the Ministry of Forests (the Ministry) (together, the public bodies). The public bodies located and disclosed responsive records, but each of them withheld information under various sections of the *Freedom of Information and Protection of Privacy Act* (FIPPA).

[2] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review the public bodies' decision to withhold information. Mediation resolved some of the issues and resulted in the public bodies disclosing some additional information to the applicant, but some issues remained outstanding and these proceeded to inquiry.

[3] The remaining sections of FIPPA on which the public bodies rely to withhold information are ss. 13(1) (advice or recommendations), 15(1)(l) (harm to the security of a property or system), and 22(1) (unreasonable invasion of third-party privacy).

[4] The public bodies provided joint submissions and evidence. The public bodies also provided the information in dispute for my review in three records packages, which I will refer to in this order as the OOP Records, the GCPE Records, and the BCWS Records<sup>1</sup>. The applicant provided a submission and supporting documents.

### ***Preliminary matters***

#### *Proposed new issue: s. 25*

[5] The applicant raises an issue not set out in the amended Notice of Inquiry, namely s. 25. Section 25 sets out circumstances in which a public body must disclose information without delay, even in the absence of an access request.

[6] The applicant argues that s. 25 of FIPPA should apply to the information the public bodies withheld because the information relates to an incident with significant implications for public safety, and the public has an interest in knowing what recommendations were made to the public bodies.<sup>2</sup> The public bodies say the applicant should not be allowed to raise new issues at this stage without the Commissioner's permission.<sup>3</sup>

[7] Generally, and as provided in the OIPC's *Instructions for Written Inquiries* (which was provided to all parties in this inquiry), parties may only raise new issues with the permission of the Commissioner and must request this permission well in advance of the submission phase of an inquiry.<sup>4</sup> The applicant does not point to any exceptional circumstances that would justify the late addition of this issue, and I am not persuaded that it is appropriate to add it to this inquiry.

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<sup>1</sup> These relate to the BC Wildfire Service (BCWS), an agency of the Ministry.

<sup>2</sup> Applicant's response submission at 3-4 and 14.

<sup>3</sup> Public bodies' reply submission at paras 2-3 and 5-8.

<sup>4</sup> Available at <https://www.oipc.bc.ca/documents/guidance-documents/1658>; also see, e.g., Order F25-79, 2025 BCIPC 93 (CanLII) at paras 3-5.

*Information no longer in dispute*

[8] The information at issue, and the sections of FIPPA on which the public bodies rely, has changed substantially as this matter has moved through mediation and inquiry, with the result that much of the information in the public bodies' disclosure packages is no longer in dispute between the parties.

[9] With respect to the OOP Records, the relevant Fact Report provides that the applicant has confirmed that the information the OOP withheld under ss. 15 and 17 is not at issue in this inquiry.<sup>5</sup> The public bodies say the same in their initial submission, and the applicant does not dispute this.<sup>6</sup> I therefore accept that the application of these sections is no longer in dispute between the parties, and that only the application of s. 13(1) to the OOP Records remains in dispute.

[10] With respect to the GCPE Records, the public bodies have withdrawn their reliance on ss. 14 and 22, so that only the application of s. 13(1) to the GCPE Records remains in dispute.<sup>7</sup>

[11] With respect to the BCWS Records, the public bodies have withdrawn their reliance on ss. 17 (replacing it with reliance on s. 15 with respect to one phone number) and 15 (except for the phone number) and have "substantially reduced" their reliance on s. 22(1), so that only the application of ss. 13(1), 15(1)(l), and 22(1) to the BCWS Records remains in dispute.<sup>8</sup>

[12] Because the application of FIPPA to the specific information discussed above is no longer in dispute between the parties (with the exception of the phone number in the BCWS Records), I will not consider it in my analysis below.

## **ISSUES AND BURDEN OF PROOF**

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

1. Is the OOP authorized to refuse to disclose information under s. 13(1)?
2. Is GCPE authorized to refuse to disclose information under s. 13(1)?
3. Is the Ministry authorized to refuse to disclose information under ss. 13(1) or 15(1)(l)? and
4. Is the Ministry required to refuse to disclose information under s. 22(1)?

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<sup>5</sup> Amended Fact Report for F24-97021 at para 9.

<sup>6</sup> Public bodies' initial submission at para 11.

<sup>7</sup> *Ibid* at paras 18-19.

<sup>8</sup> *Ibid* at paras 23-26.

[14] Under s. 57(1) of FIPPA, the public bodies have the burden of proving that the applicant has no right of access to the information they withheld under ss. 13(1) and 15(1)(l).

[15] Under s. 57(2), the applicant has the burden of proving that disclosure of the information the Ministry withheld under s. 22(1) would not unreasonably invade third-party privacy. However, it is up to the Ministry to establish that the information at issue is personal information.<sup>9</sup>

## **DISCUSSION**

### **Background<sup>10</sup>**

[16] The Office of the Premier (OOP) is responsible for assisting the Premier in leading the government of BC as a whole, in particular by supporting Cabinet decision making, the coordination of policy across the public service, and coordination with the federal government and ministries and Crown agencies.

[17] GCPE is a division of the Ministry of Finance that is responsible for providing strategic communications advice and planning to the OOP, Cabinet ministers, senior officials, and ministry program staff.

[18] The BC Wildfire Service (BCWS) is an agency of the Ministry of Forests that is responsible for wildfire management in BC, including detection, monitoring, and response. BCWS prepares and issues various safety-related reports and bulletins. Following serious or complex safety incidents, BCWS sometimes prepares and distributes “facilitated learning analysis” reports (FLAs), which assemble the impressions and insights of the people involved in the incidents.

[19] The applicant’s access requests relate to a planned ignition undertaken by BCWS, as well as an incident in which several firefighters were forced to shelter in a vehicle.

### **Information in dispute**

#### *The OOP Records*

[20] The OOP has withheld portions of emails from the OOP Records under s. 13(1).

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<sup>9</sup> Order 03-41, 2003 CanLII 49220 (BC IPC) at paras 9-11.

<sup>10</sup> The information in this section is not in dispute and is drawn from the parties’ submissions and evidence.

### *The GCPE Records*

[21] GCPE has withheld portions of draft briefing notes, including tracked changes and comments on the drafts, under s. 13(1).

### *The BCWS Records*

[22] The Ministry has withheld portions of a report on the entrapment of a fire crew undertaken at the request of WorkSafeBC (the Full Report), as well as editorial comments on a draft FLA and the final version of the same FLA (the Draft Adams Lake FLA and the Adams Lake FLA, respectively). It has withheld some of this information under s. 13(1) and some under s. 22(1).

[23] The Ministry has also withheld several video and audio files associated with the Adams Lake FLA in their entirety (including the titles of the files) under s. 22(1).

### ***Advice or recommendations – s. 13(1)***

[24] Section 13(1) of FIPPA allows a public body to refuse to disclose information that would reveal advice or recommendations developed by or for a public body or a minister. The purpose of s. 13(1) is to prevent the harm that would occur if a public body's deliberative process were exposed to public scrutiny, so that the free and frank flow of advice and recommendations can take place.<sup>11</sup>

[25] The s. 13(1) analysis involves two stages. I must first decide whether disclosure of the withheld information would reveal advice or recommendations developed by or for a public body or a minister. If it would, the next step is to determine whether any of the circumstances set out in ss. 13(2) or (3) apply to that information. If one or more of these circumstances apply, the public body must not refuse to disclose that information under s. 13(1).

### *Advice or recommendations*

[26] BC's courts and previous OIPC orders have established the following principles for interpreting s. 13(1), which I will paraphrase and adopt here:

- The requirement that the disclosure of information must “reveal” advice or recommendations means that s. 13(1) does not apply to information that has already been disclosed.

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<sup>11</sup> *Insurance Corporation of British Columbia v. Automotive Retailers Association*, 2013 BCSC 2025 at paras 52 and 65.

- The term “advice” is broader than “recommendations” and includes an opinion that involves exercising judgment and skill to weigh the significance of matters of fact. Advice can be an opinion about an existing set of circumstances and does not have to be a communication about future action.
- “Advice” also includes factual information compiled and selected by an expert using their expertise, judgment, and skill for the purpose of providing explanations necessary to the deliberative process of a public body. This compilation of factual information and weighing of the significance of matters of fact is an integral component of an expert’s advice and informs the decision-making process.
- “Recommendations” include material relating to a suggested course of action that will ultimately be accepted or rejected by the decision maker.
- Section 13(1) applies not only to advice or recommendations themselves, but also to information that would allow an observer to accurately infer advice or recommendations.<sup>12</sup>

### OOP Records

[27] The OOP has withheld portions of email chains from the OOP Records under s. 13(1). The public bodies say the withheld email portions consist of the following kinds of information:

- requests for advice or recommendations which would allow accurate inferences as to the advice or recommendations received;
- advice and recommendations on whether and how to respond to media inquiries;
- advice and recommendations on the form and content of potential correspondence; and
- editorial advice on draft documents.<sup>13</sup>

[28] The applicant says there is a strong public interest in understanding how the public bodies responded to the wildfire incidents, and whether they communicated what they knew to the public in a transparent way. He also questions the logic of allowing a public body to withhold background facts selected by an expert to inform the expert’s provision of advice or recommendations.<sup>14</sup>

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<sup>12</sup> Order F24-33, 2024 BCIPC 40 (CanLII) at para 18 and the orders and court decisions cited therein.

<sup>13</sup> Public bodies’ initial submission at paras 60-64.

<sup>14</sup> Applicant’s response submission at 3-4.

[29] In reply, the public bodies say the OOP exercised its discretion appropriately and withheld only a very limited amount of information, demonstrating a high degree of transparency. They also say it is established law that “advice” includes factual information compiled or selected by an expert using their expertise, judgment, and skill for the purpose of providing explanations necessary to a public body’s deliberative process.<sup>15</sup>

[30] To begin with, in contrast to what the applicant says, I do not think the fact that there may be a public interest in information withheld under s. 13(1) has any bearing on the analysis of whether the information would reveal advice or recommendations. The applicant points to no authority saying that this is a relevant consideration, and I am not aware of any.

[31] As for the withheld information itself, for the most part, I find that the email portions the OOP withheld would reveal advice or recommendations, as those terms have been interpreted. Most of the portions themselves plainly consist of express advice or recommendations. For example, several of the withheld email portions contain an author’s opinion about how a proposed communication should be phrased. Several portions set out options for action that the OOP could have accepted or rejected. In my view, these portions fall squarely within the meaning of advice and/or recommendations as those terms have been interpreted.

[32] However, there are a few email portions that I do not find would reveal advice or recommendations. These consist of statements about what an author plans to do,<sup>16</sup> or of requests that someone review a document.<sup>17</sup> I cannot see how disclosure of these email portions would reveal the substance of any advice or recommendations, either directly or by inference. I therefore find that s. 13(1) does not apply to these specific email portions.

### GCPE Records

[33] GCPE has withheld editorial comments and suggested insertions and deletions, as well as a small portion of text, from various drafts of a briefing note under s 13(1).

[34] The public bodies say the withheld information consists of editorial advice on the drafts, as well as wording that is different from the final version of the briefing note and could therefore allow an accurate inference about editorial advice.<sup>18</sup> As I noted above, the applicant asserts that there is a strong public interest in disclosure of the withheld information.

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<sup>15</sup> Public bodies’ reply submission at paras 15-18.

<sup>16</sup> At pages 42, 46, 72, and 77 of the OOP Records.

<sup>17</sup> At pages 94, 100, 101, and 103 of the OOP Records.

<sup>18</sup> Public bodies’ initial submission at paras 71-81.

[35] I have no difficulty finding that the comments and tracked changes reveal commenters' recommendations to insert text, delete text, or make other changes to the drafts. I find that these would reveal advice or recommendations.

[36] As for the paragraph in two versions of the draft briefing note containing suggested messaging (which appears on both page 16 and page 20 of the GCPE records package), the public bodies say this information could reveal editorial advice. GCPE's Manager of Information Management (the Information Manager) says the fact that the paragraph does not appear in the final version of the information briefing note developed for the Minister of Forests led him to identify the paragraph as being the subject of editorial advice. He says its disclosure would therefore allow for accurate inferences as to the editorial advice itself.<sup>19</sup>

[37] I do not think the fact that the paragraph does not appear in a later version of the version of the note developed for the Minister of Forests would necessarily allow an accurate inference about what advice or recommendations were given with respect to that paragraph.

[38] The public bodies rely on Order F15-33 for the proposition that disclosure of a draft version of a document could be compared with a final version, which would enable an applicant to draw accurate inferences about advice or recommendations based on changes between the draft and final versions.<sup>20</sup> However, subsequent orders have found that the author of a draft may make changes of their own accord without receiving advice or recommendations to do so.<sup>21</sup> In this case, while I accept the public bodies' evidence that at least one of the drafts differs from its corresponding final version, I am not satisfied that the fact of this difference alone would reveal advice or recommendations.

[39] To conclude, I find that most, but not all, of the information to which GCPE applied s. 13(1) would reveal advice or recommendations developed by or for a public body.

### BCWS Records

[40] The Ministry has withheld under s. 13(1) a set of recommendations found in the Full Report, and a set of comments and questions from named individuals from the Draft Adams Lake FLA.

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<sup>19</sup> Public bodies' initial submission at paras 74-48; Affidavit of Information Manager at paras 18-22.

<sup>20</sup> Public bodies' initial submission at para 81; Order F15-33, 2015 BCIPC 36 (CanLII) at para 23.

<sup>21</sup> See, e.g., Order F25-67, 2025 BCIPC 77 (CanLII) at para 50; Order F21-39, 2021 BCIPC 47 (CanLII) at para 36; Order F24-17, 2024 BCIPC 23 (CanLII) at paras 68-70.

[41] The public bodies say the material withheld from the Full Report consists of recommendations developed by BCWS employees which propose future courses of action, including options for BCWS to improve its responses to similar incidents in the future, and that these recommendations could be accepted or rejected by BCWS management.<sup>22</sup> The public bodies say the information withheld from the Draft Adams Lake FLA consists of editorial advice about the content of a draft document provided by BCWS employees.<sup>23</sup>

[42] The applicant does not appear to dispute that the information withheld from the BCWS Records would reveal advice or recommendations, but he says instead that one or more provisions of s. 13(2) apply.<sup>24</sup> I will address the s. 13(2) arguments below.

[43] I am satisfied that the material withheld from the Full Report consists of recommendations developed by and for a public body: the material appears in a section titled Recommendations, and on my review of the material itself, it plainly consists of express recommendations. The recommendations are aimed at BCWS management, so the requirement that they be developed by or for a public body is satisfied.

[44] As for the material withheld from the Draft Adams Lake FLA, I find that it consists of editorial suggestions made by Ministry employees for subsequent editions of a draft document. While the applicant points out that the purpose of an FLA itself is not to make recommendations,<sup>25</sup> I have no difficulty finding that these editorial suggestions are advice and/or recommendations developed by, and for, a public body.

#### Conclusion on advice or recommendations

[45] To summarize, I have found that most, but not all, of the information withheld under s. 13(1) from each of the three sets of records would reveal advice or recommendations developed by or for a public body or a minister. I will go on to consider whether ss. 13(2) or (3) apply to that information. I have found that a small amount of the information in the OOP Records and GCPE Records would not reveal advice or recommendations. Accordingly, the public bodies are not authorized to withhold that information under s. 13(1) and I will not consider it further.

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<sup>22</sup> Public bodies' initial submission at paras 88-92.

<sup>23</sup> *Ibid* at paras 93-97.

<sup>24</sup> Applicant's response submission at 4-5.

<sup>25</sup> *Ibid* at 5.

*Information a public body must not refuse to disclose – s. 13(2)*

[46] Section 13(2) sets out categories of information that a public body must not refuse to disclose under s. 13(1), even if disclosure of the information would reveal advice or recommendations. The applicant says ss. 13(2)(g) and/or (k) apply to some of the information withheld from the BCWS Records.

[47] The public bodies say that s. 13(2)(g) does not apply to any withheld information. They say that s. 13(2)(k) does not apply to most of the withheld information, but concede that it may apply to some withheld information, as I will explain in more detail below.

*Final report or audit on performance or efficiency – s. 13(2)(g)*

[48] Section 13(2)(g) provides that a public body may not refuse to disclose a final report or final audit on the performance or efficiency of a public body or on any of its policies or its programs or activities.

[49] The applicant says s. 13(2)(g) applies to the final version of the Adams Lake FLA that appears in the BCWS Records.<sup>26</sup> However, the Ministry has not withheld any information from the final version under s. 13(1). Its only withholding of information in this document is under s. 22(1), which I will analyze below. It is possible that the applicant meant to refer to the Draft Adams Lake FLA, but this document is plainly a draft and not a final report, so I find that s. 13(2)(g) does not apply to the comments on it.

[50] The public bodies also make arguments about the application of s. 13(2)(g) to the Full Report, although the applicant does not appear to raise the application of that section to that document. They say that while the Full Report qualifies as a “final report” for the purposes of that section, it is not a report on the performance or efficiency of a BCWS program or policy because it is a review of one serious incident and BCWS’s failure to immediately report the incident to WorkSafeBC. They also say that a large portion of the Full Report consists of BCWS employees’ personal experiences, opinions, and feelings, rather than the performance or efficiency of BCWS.<sup>27</sup>

[51] In Order F24-20, the adjudicator extensively canvassed the meaning of the terms used in s. 13(2)(g). In particular, she found that “activity”, for the purposes of s. 13(2)(g), is broad enough to encompass any actions taken by a public body in pursuit of a specific objective. She also found that the meaning of “performance” included how successful someone is or how well they do something, and that something was “efficient” if it was “productive of desired effects, especially: capable of producing desired results with little or no waste (as

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<sup>26</sup> *Ibid* at 4.

<sup>27</sup> Public bodies’ reply submission at paras 26-29.

of time or materials).”<sup>28</sup> Applying these definitions to the report at issue in that order, the adjudicator found that an external consultant’s report was about the strengths and weaknesses of a public body’s succession management practices, and included recommendations for improving those practices. On this basis, she concluded that it was a final report on the performance or efficiency of one of a public body’s activities, so that s. 13(2)(g) applied to it.<sup>29</sup> I agree with and adopt this analysis.

[52] I agree with the public bodies that the Full Report is a final report. Moreover, viewing the Full Report as a whole, it is clear to me that it is focused on evaluating how well BCWS responded to a critical situation, and on how it could respond better in the future. While individual employees’ feelings and opinions do play a minor part, the purpose of the document is clearly an objective evaluation of how successfully BCWS carried out an activity, namely responding to the critical incident. The fact that WorkSafeBC required BCWS to produce the Full Report provides further support for this conclusion. I therefore find that the Full Report is a final report on the performance of an activity of BCWS, which is a part of the Ministry. Section 13(2)(g) applies to the recommendations contained in the Full Report.

[53] To conclude, I find that s. 13(2)(g) does not apply to the Draft Adams Lake FLA, but does apply to the Full Report. The Ministry therefore cannot withhold the recommendations from the Full Report under s. 13(1).

*Report of a task force or committee – s. 13(2)(k)*

[54] Section 13(2)(k) provides that a public body may not refuse to disclose a report of a task force, committee, council, or similar body that has been established to consider any matter and make reports or recommendations to a public body.

[55] I understand the applicant to be saying that s. 13(2)(k) applies to the two versions of the FLA because the team assembled to draft the FLA constitutes a task force, committee, council, or similar body.<sup>30</sup>

[56] The public bodies concede that s. 13(2)(k) may apply to the Full Report. However, I have not found it necessary to consider the application of s. 13(2)(k) to the Full Report, since I have found that s. 13(2)(g) applies to it.

[57] As for the editorial comments on the Draft Adams Lake FLA, which I found would reveal advice or recommendations, I do not find that s. 13(2)(k) applies to them. Previous orders have not considered draft documents to be formal

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<sup>28</sup> Order F24-20, 2024 BCIPC 26 (CanLII) at paras 139-144.

<sup>29</sup> *Ibid* at paras 145-147.

<sup>30</sup> Applicant’s response submission at 4.

“reports” for the purposes of s. 13(2)(k), and I reach the same conclusion here.<sup>31</sup> Moreover, it is the editorial comments on the draft report that the Ministry has withheld, not the portions of the draft report to which the comments relate.

[58] As for the rest of the information I found would reveal advice or recommendations in each of the three sets of records, I find that none of it is in the form of a “report” as is required for s. 13(2)(k) to apply.<sup>32</sup>

*Conclusion on s. 13(2)*

[59] I have found that s. 13(2)(g) applies to the Full Report, so the Ministry may not withhold the recommendations contained in it under s. 13(1)

[60] I have not found that s. 13(2)(k) applies to any of the information I found would reveal advice or recommendations. The parties do not make arguments about the other provisions of s. 13(2), and I do not find that any of them apply.

*Information in existence for 10 or more years – s. 13(3)*

[61] The public bodies say the withheld information was created between 2023 and 2024, and so has not been in existence for 10 or more years; therefore, s. 13(3) does not apply to any of the information.<sup>33</sup> On my examination of the withheld information in all three sets of records, I agree and find that s. 13(3) does not apply.

*Conclusion on s. 13(1)*

[62] I have found that some of the information the public bodies withheld under s. 13(1) would not reveal advice or recommendations, so they cannot withhold it on that basis. I have also found that s. 13(2)(g) applies to the recommendations in the Full Report in the BCWS Records, so the Ministry may not withhold that information. However, I have found that the remainder of the information would reveal advice or recommendations developed by or for a public body, and that no provision of ss. 13(2) or (3) applies. The public body therefore may withhold that information under s. 13(1).

***Harm to the security of a property or system – s. 15(1)(l)***

[63] The Ministry has applied s. 15(1)(l) to a single phone number in the BCWS Records. Section 15(1)(l) provides that a public body may refuse to disclose information if the disclosure could reasonably be expected to harm the security of

<sup>31</sup> See, e.g., Order F24-101, 2024 BCIPC 115 (CanLII) at paras 75-76.

<sup>32</sup> Order F24-68, 2024 BCIPC 78 (CanLII) at para 27.

<sup>33</sup> Public bodies’ initial submission at paras 69, 84, and 99.

any property or system, including a building, a vehicle, a computer system, or a communications system.

[64] The section addresses harm that could reasonably be expected to result if information were disclosed. The Supreme Court of Canada has held that where the phrase “could reasonably be expected to” is used in access to information statutes, the standard of proof is a middle ground between what is merely possible and what is probable.<sup>34</sup>

[65] The evidence offered in support of a finding of reasonable expectation of harm must be detailed and convincing enough to establish specific circumstances for the anticipated harm that could reasonably be expected to result from disclosure of the information; it must establish a clear and direct connection between disclosure of the withheld information and the harm. General speculative or subjective evidence will not suffice.<sup>35</sup> At the same time, the test does not require proof that the harm is more likely to occur than not. To meet the standard, there must be a reasonable basis for believing that harm will result; the standard does not require a demonstration that harm is probable.<sup>36</sup>

#### *Parties’ submissions*

[66] The public bodies describe the phone number as belonging to the BCWS fire weather technician assigned on a certain date. They explain that the number is intended to be used by fire centres, incident commanders, or incident management teams which require a critical fire weather report. At any time, those people or teams can call the number and receive specific fire weather intelligence and forecasts. The public bodies say that if the number were disclosed and therefore usable by anyone, the intended users of the number may not be able to get through because any member of the public could call the number. This, they say, would compromise wildfire operations and the safety of ground crews and aviation resources.<sup>37</sup> They also say that BCWS’s fire weather reporting system is closely connected to the protection of the personal safety of BCWS firefighters and members of the public, as well as the protection of public and private property.<sup>38</sup>

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<sup>34</sup> *Ontario (Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, 2014 SCC 31 at para 54.

<sup>35</sup> Order F08-03, 2008 CanLII 13321 (BC IPC) at para 27.

<sup>36</sup> *United Association of Journeymen and Apprentices in the Plumbing and Pipefitting Industry of the United States and Canada, Local 170 v. British Columbia (Information and Privacy Commissioner)*, 2018 BCSC 1080 (CanLII) at para 42.

<sup>37</sup> Public bodies’ initial submission at paras 101-103; Affidavit of BCWS Executive Director at paras 21-22.

<sup>38</sup> Public bodies’ initial submission at para 106.

[67] The public bodies also say that disclosure of the phone number will not in any way advance FIPPA's purpose of making public bodies more accountable to the public.<sup>39</sup>

[68] The applicant does not directly address the application of s. 15(1)(l). The public bodies say the lack of submissions on this point suggests that the applicant does not dispute their application of s. 15(1)(l) to the phone number.<sup>40</sup>

*Analysis and conclusion on s. 15(1)*

[69] I am satisfied that the BCWS weather forecasting system is a communications system for the purposes of s. 15(1)(l).<sup>41</sup>

[70] Several previous orders have held that disclosure of the phone number and access code for a teleconferencing system could reasonably be expected to harm the security of that system because of the risk of unauthorized access.<sup>42</sup> I accept that disclosure of the phone number could reasonably be expected to harm the security of the BCWS weather forecasting system because if the phone number were widely known, members of the public could reasonably be expected to use (or abuse) it. I accept the public bodies' evidence that this would have the effect of compromising the availability of the phone line for its intended use, which would be harmful to its security. I therefore find that s. 15(1)(l) applies to the phone number in the BCWS Records and that the Ministry may refuse to disclose it.

***Unreasonable invasion of third-party privacy – s. 22(1)***

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

[72] The only information in this inquiry withheld under s. 22(1) is in the BCWS Records. The Ministry has withheld a small amount of information from the Full Report and some information from the Adams Lake FLA. The Adams Lake FLA is a multimedia document with embedded maps and video and audio files.<sup>43</sup> The Ministry has withheld some of these video and audio files in their entirety, but has released other video and audio files to the applicant.

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<sup>39</sup> *Ibid* at para 109.

<sup>40</sup> Public bodies' reply submission at para 63.

<sup>41</sup> For a similar finding, see Order F21-01, 2021 BCIPC 1 (CanLII) at paras 36-38.

<sup>42</sup> Order F22-10, 2022 BCIPC 10 (CanLII) at para 70; Order F24-08, 2024 BCIPC 11 (CanLII) at para 35.

<sup>43</sup> Since the Ministry withheld the titles of most of the video and audio files, I will refer to them by the titles the public bodies assigned them in their table of records.

[73] The OIPC's approach to the s. 22 analysis is well established and involves several steps:

1. Determine whether the information in dispute is personal information.
2. Determine whether any of the circumstances described in s. 22(4) apply. If they do, then disclosure is *not* an unreasonable invasion of a third party's personal privacy.
3. Determine whether any of the presumptions listed in s. 22(3) apply. If they do, disclosure is *presumed* to be an unreasonable invasion of personal privacy. Presumptions may be rebutted by considering all the relevant circumstances (the next step in the analysis).
4. Consider the impact that disclosure would have in light of all the relevant circumstances, including those listed in s. 22(2). Do the relevant circumstances weigh in favour of or against disclosure?<sup>44</sup>

*Is the information personal information?*

[74] I must first decide whether the withheld information is the personal information of one or more third parties. If it is not, s. 22(1) does not apply and the analysis ends there. If it is, I must go on to consider whether its disclosure would be an unreasonable invasion of a third party's privacy. "Personal information" is defined in Schedule 1 of FIPPA:

"personal information" means recorded information about an identifiable individual other than contact information;

"contact information" means 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;

[75] Information is "personal information" for the purposes of s. 22(1) if it is reasonably capable of identifying a particular individual, either alone or when combined with other available sources of information.<sup>45</sup>

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<sup>44</sup> Order F21-32, 2021 BCIPC 40 (CanLII) at para 82.

<sup>45</sup> Order F18-11, 2018 BCIPC 14 (CanLII) at para 32.

*Parties' submissions on personal information*

[76] The public bodies say the withheld information is the personal information of third parties because it is about identifiable BCWS employees and members of out-of-province fire crews and includes those third parties' images, voices, opinions, and comments.<sup>46</sup>

[77] The public bodies say that for information that does not directly reveal the identity of employees, the "mosaic effect", by which information that does not appear to identify individuals may nevertheless be linked with other available information to permit those individuals' identification, applies.<sup>47</sup>

[78] The executive director of the BCWS (the BCWS Executive Director) addresses the point of third parties' identifiability in his evidence, saying that because of the small size of BCWS crews, the risk of identification of an individual on one of the crews, where the name of the crew is disclosed in the records, is high. He says, for example, that one of the crews consisted of only two people.<sup>48</sup>

[79] The applicant concedes that "some" of the withheld information may be personal information.<sup>49</sup> However, he disputes that individual third parties could be identified by the mosaic effect, and that even if the third parties could be identified, the Ministry should have withheld the crew callsigns rather than the opinions of the BCWS employees who were assigned to those crews. He says this approach would have allowed information that engages the public interest to be released while protecting individual third parties' identities.<sup>50</sup>

[80] The applicant also says that the people best placed to identify the third parties are those on BCWS's internal distribution list, to whom the information has already been disclosed.<sup>51</sup>

*Analysis and findings on personal information*

[81] To begin, I find that none of the withheld information is contact information, because it is plainly not information that would enable a person to be contacted at a place of business.

[82] As for the written information that is about individuals but does not directly identify third parties, I accept the public bodies' submissions and evidence about

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<sup>46</sup> Public bodies' initial submission at paras 124-133.

<sup>47</sup> *Ibid* at paras 116-120.

<sup>48</sup> Affidavit of BCWS Executive Director at paras 25-26.

<sup>49</sup> Applicant's response submission at 7.

<sup>50</sup> *Ibid* at 6-7.

<sup>51</sup> *Ibid* at 6.

the small size of the crews and the possibility that individual members could be identified. I find that this written information is personal information.

[83] However, I cannot see (and the public bodies do not explain) how the titles of the withheld audio and video files are personal information. In my view, the titles are not about identifiable individuals, but rather describe the contents of the files in a neutral way. Moreover, without being so specific that I reveal the titles themselves, I can say that in most cases, the titles of the videos are easily inferable from the surrounding text, which is already disclosed.

[84] The video files and photos contain the images of individuals. Their features are not always clearly visible, but I am satisfied on a balance of probabilities that an observer could identify them, so the images of individuals are personal information. The video files also contain a great deal of information that is not personal information, namely images of landscapes and vehicles.

[85] The audio files contain the individual reflections of one person each. While the speakers are not identified in the files themselves or in the surrounding portions of the FLA, I accept that the individuals' voices, combined with the description of the parts they played in the incidents, would allow an observer to identify them. The audio files therefore consist of the speakers' personal information.

[86] As for the license plate number, I find that a vehicle's license plate is briefly visible in the video referred to as MOV 3. On my review of the video, the number on the plate is not particularly legible, but I accept that with time and effort, someone may be able to discern it. One OIPC investigation report has found that because a license plate number is readily and routinely able to be linked to an individual (at least by police), it qualifies as personal information.<sup>52</sup> I therefore find that the license plate number is personal information.

[87] To summarize, I find that most of the information the Ministry withheld under s. 22(1) is personal information, but that the video and audio file titles and the information in the videos that does not consist of individuals' images are not. The Ministry is not required to refuse to disclose this information to the applicant, and I will not consider it further in this analysis.

*Not an unreasonable invasion of privacy – s. 22(4)*

[88] Section 22(4) provides a list of circumstances where disclosure of personal information is not an unreasonable invasion of a third party's personal privacy. The public bodies say that none of the circumstances set out in s. 22(4)

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<sup>52</sup> Investigation Report F12-04, 2012 BCIPC 23 (CanLII) at 16-18.

apply to any of the personal information.<sup>53</sup> I understand the applicant to be arguing that s. 22(4)(e) applies to the personal information.<sup>54</sup>

*Public body employees' positions, functions, remuneration – s. 22(4)(e)*

[89] Section 22(4)(e) provides that it is not an unreasonable invasion of a third party's privacy to disclose information about the third party's position, functions, or remuneration as a public body employee.

[90] Previous orders have found that s. 22(4)(e) applies to information that relates to a public body employee's name, job title, duties, functions, or position. It also applies to objective, factual information about what the public body employee said or did in the course of discharging their job duties. However, it does not apply to information that reveals more than just the employee's position or functions, or what they did in the normal course of their work.<sup>55</sup>

[91] The public bodies say that s. 22(4)(e) does not apply to the withheld information because the information is about their actions and feelings as individuals rather than their functions as public body employees, and because the information was gathered pursuant to workplace investigations.<sup>56</sup> The public bodies also say that the personal information in the audio and video files capture more information about the employees depicted than their positions or functions as public body employees, such as their ethnicities, vocal patterns, and manners of speech, such that the information is "inextricably linked to their personhood".<sup>57</sup>

[92] The applicant says the withheld information relates to the normal course of the BCWS employees' work – that is, how they responded to emergent wildfire scenarios.<sup>58</sup>

[93] In reply, the public bodies say that BCWS employees should not receive less protection under FIPPA because their work entails responding to emergencies, such that there may be some difficulty determining what counts as the normal course of an employee's work for the purposes of s. 22(4)(e). It says the employees' personal opinions and feelings deserve protection under FIPPA, and moreover that the Full Report and the Adams Lake FLA were not undertaken in the normal course of the employees' work.<sup>59</sup>

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<sup>53</sup> Public bodies' initial submission at para 136.

<sup>54</sup> Applicant's response submission at 7-8.

<sup>55</sup> Order F23-28, 2023 BCIPC 32 (CanLII) at paras 41-43.

<sup>56</sup> Public bodies' initial submission at paras 137-147.

<sup>57</sup> *Ibid* at paras 148-150.

<sup>58</sup> Applicant's response submission at 7-8.

<sup>59</sup> Public bodies' reply submission at paras 48-50.

[94] First, I find that all of the withheld personal information is the information of BCWS employees, as FIPPA defines that term. FIPPA provides the following definitions in Schedule 1:

“employee”, in relation to a public body, includes

- (a) a volunteer, and
- (b) a service provider

“service provider” means a person retained under a contract to perform services for a public body.

[95] From the public bodies’ submissions, I gather that some of the third parties were directly employed by BCWS, and some were brought in from other jurisdictions to work on contract. Pursuant to the definitions above, I find that the third parties are all “employees” for the purposes of FIPPA.

[96] The majority of the written personal information, while it does relate to the employees’ duties, reveals more than what they did in the ordinary course of discharging those duties. It reveals their thoughts and feelings as they comment on events, and these comments are offered in the context of BCWS’s information-gathering in support of the Full Report and Adams Lake FLA – that is, somewhat apart from their normal day-to-day duties. I therefore find that this information is not “about” the employees’ positions or functions for the purposes of s. 22(4)(e).<sup>60</sup>

[97] However, I find that s. 22(4)(e) applies to the written information on page 59, and some of the written information on page 77 of the BCWS Records. This information consists of very general observations and an employee’s job title.

[98] I turn next to consider the information in the video files. In Order F24-10, the adjudicator found that s. 22(4)(e) applied to short, mundane video clips in which public body employees’ images were in focus for only a few seconds at a time and conveyed no specific emotion or information, so that the only impact of disclosing the images was to make the employees identifiable. The video depictions of the employees conveyed the same information that a dry, written narrative of their actions would.<sup>61</sup>

[99] I find that the personal information in the videos in this case likewise convey no specific emotion or information about the third parties. They are very brief: the employees and contractors are visible for only a few seconds each.

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<sup>60</sup> For a similar finding, see Order F26-15, 2026 BCIPC 19 (CanLII) at paras 54-58.

<sup>61</sup> Order F24-10, 2024 BCIPC 14 (CanLII) at paras 52-58.

I find that they are in the nature of objective, factual statements about what the employees did in the course of their duties. In addition, the employees themselves are clearly not the focus of the videos, which appear to me to be about capturing the physical characteristics of the environments they depict. This analysis also applies to the license plate number, which in my view provides no more personal information than an employee's name would.

[100] I also find that this analysis applies to the photographs of employees contained within the Adams Lake FLA, so that s. 22(4)(e) applies to them.

[101] Lastly, I find that s. 22(4)(e) does not apply to the personal information in the audio recordings. While these recordings generally describe what public body employees did in the normal course of carrying out their duties, they also convey the employees' tone of voice and indicate their emotional state in a much more detailed and sustained way than the video files do.

[102] To conclude, I find that s. 22(4)(e) applies to much of the withheld personal information, such that its disclosure would not be an unreasonable invasion of the privacy of the third parties depicted. The Ministry is not required to withhold the personal information to which s. 22(4)(e) applies. I will not consider that information any further in this analysis.

[103] The parties do not discuss any other s. 22(4) provisions. Reviewing those provisions in light of the remainder of the withheld information, I do not find that any of them apply.

*Presumed unreasonable invasion of privacy – s. 22(3)*

[104] Section 22(3) lists circumstances in which disclosure of personal information is presumed to be an unreasonable invasion of a third party's privacy. The public bodies say two such circumstances, ss. 22(3)(d) and (i), apply. I understand the applicant to be taking the position that no s. 22(3) presumptions apply.

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

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

[106] Previous orders have found s. 22(3)(d) to apply to information that is about a third party's workplace behaviour such as complaints, investigations or discipline related to the third party's workplace conduct. They have also found it

to apply to information related to the administration of a third party's employment, such as job applications, resumes, personal identifiers, and leave entitlements.<sup>62</sup>

[107] The public bodies say that all the personal information in the BCWS Records was collected pursuant to a workplace investigation and reveals what witnesses said to investigators and the role the witnesses played in the matter being investigated.<sup>63</sup>

[108] The applicant says the Adams Lake FLA differs from a typical workplace investigation because its results were intended to be shared across the BCWS organization.<sup>64</sup>

[109] In reply, the public bodies concede that the Adams Lake FLA (which also contains the withheld video and audio files) was “not an investigation but a sense making exercise to assist those who had experienced trauma while fighting the Adams Lake Fire and those who might face such trauma in the future”, but says that it is “akin” to workplace investigations that collect information about employees' actions, feelings, thoughts, and opinions about specific incidents, rather than their normal work duties.<sup>65</sup>

[110] Accepting for the sake of argument that the Adams Lake FLA is the result of a workplace investigation, it is not the case that information collected pursuant to any workplace investigation will always relate to an individual's employment or occupational history under s. 22(3)(d). Whether a given piece of information relates to an individual's employment or occupational history must be evaluated on a case-by-case basis.<sup>66</sup>

[111] In this case, the Adams Lake FLA is not an investigation into employees' behaviour or conduct and does not relate to the administration of their employment. While much of the withheld personal information in the Adams Lake FLA does relate to employees' thoughts and feelings about their work, such thoughts and feelings will not, as a rule, engage s. 22(3)(d) on their own.<sup>67</sup> I find that s. 22(3)(d) does not apply to the personal information in the Adams Lake FLA.

[112] However, the withheld information in the Full Report does reveal employees' years of experience with BCWS and their level of experience with

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<sup>62</sup> Order F26-15, 2026 BCIPC 19 (CanLII) at paras 67-68 and the orders cited therein.

<sup>63</sup> Public bodies' initial submission at paras 153-156.

<sup>64</sup> Applicant's response submission at 7.

<sup>65</sup> Public bodies' reply submission at para 50.

<sup>66</sup> Order F26-15 *supra* note 60 at paras 66-73, citing Order 01-07, 2001 CanLII 21561 (BC IPC) at para 8.

<sup>67</sup> Order F23-49, 2023 BCIPC 57 (CanLII) at paras 47-48.

certain tasks.<sup>68</sup> I find that this information relates to the third parties' employment history, so s. 22(3)(d) applies to it.<sup>69</sup>

*Racial or ethnic origin – s. 22(3)(i)*

[113] Section 22(3)(i) provides that a disclosure of personal information is presumed to be an unreasonable invasion of a third party's privacy if it indicates the third party's racial or ethnic origin, sexual orientation, or religious or political beliefs or associations.

[114] The public bodies say disclosure of the personal information in the withheld photos and videos should be presumed to be an unreasonable invasion of the privacy of the people depicted in them because the photos and videos show their skin colour and facial features, and therefore indicate their racial or ethnic origin.<sup>70</sup> The applicant does not address this presumption.

[115] The photos and videos briefly show the skin colour and facial features of the employees depicted. In Order F25-83, I found that a third party's skin colour and facial features, which are apparent to anyone the third party may encounter, are not enough to *indicate* the third party's racial or ethnic origin so as to make disclosure of that kind of information a presumptively unreasonable invasion of the third party's privacy. I came to this conclusion in light of the other presumptions set out in s. 22(3), each of which relates to information that is especially sensitive or private in nature.<sup>71</sup> Anyone encountering the employees who are depicted would, by contrast, have access to this information about their skin colour and facial features, which cuts against a finding that this kind of information is especially sensitive or private. I make a similar finding with respect to the information in the photos and videos at issue here, and find that s. 22(3)(i) does not apply to it.

[116] The parties do not discuss any other s. 22(3) presumptions, and I find that none apply.

*Relevant circumstances – s. 22(2)*

[117] Section 22(2) provides that in determining whether a disclosure of personal information would be an unreasonable invasion of a third party's personal privacy, a public body must consider all relevant circumstances,

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<sup>68</sup> This is the information at pages 3 and 9 of the BCWS Records.

<sup>69</sup> For similar findings, see Order F24-11, 2024 BCIPC 15 (CanLII) at para 70; and Order F23-74, 2023 BCIPC 89 (CanLII) at para 57.

<sup>70</sup> Public bodies' initial submission at paras 157-159.

<sup>71</sup> Order F25-83, 2025 BCIPC 97 (CanLII) at paras 119-121. A party has petitioned for judicial review of this order, but the petition has not yet been heard. See also Order F25-81, 2025 BCIPC 95 (CanLII) at paras 99-114.

including those set out in s. 22(2). It is at this stage that any applicable s. 22(3) presumptions may be rebutted.

[118] The public bodies say that ss. 22(2)(a), (e), (f), and (h), as well as the personal information's sensitivity, all weigh against disclosure. The applicant says the relevant circumstances favour disclosure. I will discuss each potentially relevant circumstance in turn.

*Scrutiny of public body – s. 22(2)(a)*

[119] Section 22(2)(a) asks whether the disclosure of personal information is desirable for subjecting the activities of a public body to public scrutiny.

[120] The public bodies say that the withheld personal information relates to the personal feelings, views, and opinions of the third parties, so that its disclosure would not add anything to the public's understanding of BCWS's activities.<sup>72</sup>

[121] The applicant says the Full Report and the Adams Lake FLA are aimed at helping BCWS and WorkSafeBC understand why mistakes were made, and how to avoid those mistakes in the future. He says BCWS was ultimately responsible for sending inexperienced employees into an unsafe situation, and that without disclosure of the withheld information, the public will not be able to scrutinize its decision making.<sup>73</sup>

[122] In reply, the public bodies say there has already been a great deal of public scrutiny of BCWS's actions with respect to the underlying events, as demonstrated by the news articles and independent reviews provided by the applicant. It says the applicant has not shown how disclosure of the information at issue would subject BCWS, rather than individual employees, to public scrutiny.<sup>74</sup>

[123] I agree with the applicant that knowing the experience levels of some of the BCWS employees who were involved in the events that led to the Full Report and the Adams Lake FLA would allow the public to know something about how BCWS prepared for and responded to these events. However, the Ministry has disclosed much information relating to crew experience levels in general without identifying individual employees.<sup>75</sup> In this context, I do not think additional information about individual employees' experience levels would materially contribute to the public's ability to scrutinize BCWS's activities.

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<sup>72</sup> Public bodies' initial submission at paras 161-164.

<sup>73</sup> Applicant's response submission at 11-13.

<sup>74</sup> Public bodies' reply submission at paras 53-55.

<sup>75</sup> For example, in the Full Report at page 9 of the BCWS Records, and in the Adams Lake FLA at page 37 of the BCWS Records.

[124] As for the withheld information that does not relate to employee experience levels, I do not find that its disclosure, over and above the disclosure already made, would allow the public to meaningfully scrutinize BCWS's activities. As a result, I do not find that s. 22(2)(a) is a relevant consideration with respect to any of the withheld information.

*Unfair exposure to harm – s. 22(2)(e)*

[125] Section 22(2)(e) asks whether the disclosure of personal information would expose a third party unfairly to financial or other harm. If it would, this weighs against the information's disclosure.

[126] For the purposes of s. 22(2)(e), "harm" includes serious mental distress or anguish or harassment. Embarrassment, upset, or negative reactions, without more, do not rise to the required level of mental harm.<sup>76</sup>

[127] The public bodies say disclosure of the withheld information could harm the third parties' professional reputations or affect their ability to find work in the future because a reader of the information might improperly ascribe individual blame to them, when they were not at fault for the incidents. They say this would amount to unfair harm because when they participated in the processes that led to the Full Report and the Adams Lake FLA, they reasonably expected that the information they provided would not be disclosed to the public, and the third parties would not have the opportunity to respond to any inferences of fault the public might make.<sup>77</sup>

[128] In support of this submission, the BCWS Executive Director says the improper release of the Adams Lake FLA in another context has "led to a public narrative assigning blame", which has been harmful to the mental health of some BCWS employees and volunteers and resulted in other negative personal outcomes, and that disclosure could "lead to the re-victimization of BCWS employees and volunteers who experienced trauma" during the incidents.<sup>78</sup>

[129] The applicant denies that there is anything stigmatizing about the withheld information.<sup>79</sup> In reply, the public bodies say their evidence of the harm resulting from earlier leaks shows what can be expected to happen if the information were disclosed under FIPPA. They also say that in addition to this anticipated harm, BCWS would likely discontinue its use of FLAs as a learning tool, which would impair its employees' healing process.

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<sup>76</sup> Order F26-15, *supra* note 60 at para 80.

<sup>77</sup> Public bodies' initial submission at paras 169-177.

<sup>78</sup> Affidavit of BCWS Executive Director at paras 26-30.

<sup>79</sup> Applicant's response submission at 13.

[130] The public bodies' submissions and evidence do not provide any detail about the "public narrative assigning blame" to which they refer, or about the negative effects of disclosure on some third parties, that might have allowed me to find that disclosure would unfairly expose third parties to harm. I do not think the nature of the information is such that its disclosure would lead anyone to assign blame to any of the individual third parties. I also find that the public bodies' assertion about the possible discontinuance of FLAs in the future is speculative and not supported by evidence. As a result, I find that s. 22(2)(e) does not apply to any of the withheld information.

Supplied in confidence – s. 22(2)(f)

[131] Section 22(2)(f) asks whether the personal information was supplied in confidence. If it was, this weighs against disclosure. For s. 22(2)(f) to apply, a third party must have supplied the information in an objectively reasonable expectation of confidentiality at the time the information was supplied.<sup>80</sup>

[132] The public bodies say all of the personal information at issue was supplied in confidence because it appears in reports prepared for internal learning purposes that would be shared in confidence among BCWS employees. The third parties who supplied the information did so in an objectively reasonable expectation that the information would be kept confidential and not disclosed to the world at large, so s. 22(2)(f) applies and weighs strongly against disclosure.<sup>81</sup>

[133] The BCWS Executive Director deposes that he believes the third parties who supplied personal information for the purposes of the Full Report and Adams Lake FLA would expect that information not to be disclosed to the general public. He says the BC Public Service Standards of Conduct, which BCWS employees swear to uphold, include a provision saying that "confidential information that employees receive through their employment must not be divulged to anyone other than persons authorized to receive the information". He says that to the best of his knowledge, the withheld personal information has not been shared outside BCWS, with the exception of one inadvertent disclosure to the Forest Practices Board, which resulted in a leak of the Adams Lake FLA to the public. He also says that BCWS's internal policy guidelines emphasize that "personal or identifying information contained in safety lesson-related records and bulletins must remain confidential".<sup>82</sup>

[134] The applicant says the withheld information cannot have been supplied in confidence because some BCWS employees leaked some of the information, contrary to their oaths not to share confidential information outside the Ministry (which, the applicant says, "speaks volumes" about those employees' desire to

<sup>80</sup> Order F26-15, *supra* note 60 at para 83.

<sup>81</sup> Public bodies' initial submission at paras 165-168.

<sup>82</sup> Affidavit of BCWS Executive Director at paras 28-31.

see this information become public), and because the information was shared with the Forest Practice Board, one of whose members disclosed it to the public. The applicant suggests that this sharing means that BCWS and the Ministry do not take employee confidentiality seriously.<sup>83</sup>

[135] The public bodies say in reply that their evidence establishes that it was objectively reasonable for the third parties who supplied information to believe that it would be shared only among those who had a need to know it. They also say that the leaks to which the applicant points are not circumstances favouring disclosure, since FIPPA itself has provisions dealing with the recovery of unlawfully obtained personal information.<sup>84</sup>

[136] To begin, I reject the applicant's argument that the fact that some of the information has been leaked to the public has anything to do with the third parties' reasonable expectation of confidentiality at the time they supplied the information. As the Ministry points out, what matters in the s. 22(2)(f) analysis is whether, at the time the third parties supplied the information, it was objectively reasonable for them to believe the information would remain confidential.<sup>85</sup>

[137] In Order F26-15, the adjudicator found that personal information supplied by employees of BCWS for the purposes of an FLA had not been supplied in confidence because the employees knew it would be disseminated across the BCWS organization, and nothing about the nature of the personal information suggested it was supplied in confidence.<sup>86</sup> I make a similar finding here. Without more, I cannot find that information supplied by employees in the knowledge that it would be disseminated across BCWS was supplied in confidence. I also do not find that the nature of the information is suggestive that it has been supplied in confidence. The context in which the information appears makes it clear that it was supplied for the purpose of organization-wide learning. I find that s. 22(2)(f) does not apply to any of the personal information.

*Unfair damage to reputation – s. 22(2)(h)*

[138] Section 22(2)(h) asks whether disclosure may unfairly damage the reputation of any person referred to in the records.

[139] I found above, under s. 22(2)(e), that disclosure of the withheld personal information would not be likely to expose the third parties to harm. The parties' arguments about ss. 22(2)(e) and (h) are intertwined. I find that the nature of the personal information is not such that its disclosure is likely to damage any third party's reputation. The information would not lead a reasonable person to assign

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<sup>83</sup> Applicant's response submission at 10.

<sup>84</sup> Public bodies' reply submission at paras 60-62.

<sup>85</sup> Public bodies' reply submission at para 61.

<sup>86</sup> Order F26-15, *supra* note 60 at paras 87-89.

blame to, or otherwise think less of, the individual third parties whose information is at issue. I find that s. 22(2)(h) does not apply.

*Other relevant circumstances*

[140] Public bodies are also required to consider other relevant circumstances (other than those expressly set out in s. 22(2)) when deciding whether disclosure would be an unreasonable invasion of a third party's privacy. Where personal information is especially sensitive, this may weigh against disclosure, but when the nature of the information is not sensitive, this may favour disclosure.<sup>87</sup>

[141] The public bodies say the withheld personal information is highly sensitive because it relates to the investigation of a serious workplace incident and reveals third parties' personal thoughts and feelings, which are of the kind that individuals typically share with those they trust. The public bodies say this factor weighs strongly against disclosure.<sup>88</sup>

[142] The applicant says the personal information is not sensitive in nature because it was supplied expressly to be shared with the entire BCWS organization.<sup>89</sup>

[143] In my view, most of the withheld personal information is not sensitive. It consists of mundane observations about the third parties' job duties that are not especially personal or private in nature. However, there is some written information and some information in one of the audio files that I find is sensitive. Without disclosing the information itself, I can say that it consists of personal thoughts, feelings, and reflections that are inherently sensitive.<sup>90</sup>

*Conclusion on s. 22*

[144] I found above that most of the information the Ministry withheld under s. 22(1) is personal information, but that some is not. I found that s. 22(4)(e) applies to much of the personal information, so that its disclosure would not be an unreasonable invasion of the third parties it depicts. Next, I found that s. 22(3)(d) applies to some of the personal information, but that s. 22(3)(i) does not apply.

[145] Considering the relevant circumstances, I found that no enumerated circumstances weigh for or against disclosure, but that the sensitivity of a small

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<sup>87</sup> Order F21-68, 2021 BCIPC 79 (CanLII) at para 94.

<sup>88</sup> Public bodies' initial submission at paras 178-182.

<sup>89</sup> Applicant's response submission at 14.

<sup>90</sup> This is the information on pages 42 and 83, and some of the information on page 77, of the BCWS Records, as well as the portions of Audio MP4 1 from 0:33 to 0:52, and from 5:05 to 5:41.

amount of the information weighs against disclosure, while the lack of sensitivity of most of the information favours disclosure.

[146] I find that for the personal information which reveals the employment and occupational history of third parties, to which s. 22(3)(d) applies, the relative lack of sensitivity of the information does not overcome the statutory presumption.

[147] Accordingly, the Ministry is required under s. 22(1) to withhold a small amount of the written personal information and small portions of the audio recordings, but is not required to withhold the remainder of the written information and audio recordings or any of the videos or still images. It must disclose these to the applicant.

## **CONCLUSION**

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

1. I confirm the Ministry's decision to withhold information under s. 15(1)(l).
2. I confirm, in part, the public bodies' decision to withhold information under ss. 13(1) and 22(1), subject to items 3 through 6 below.
3. The OOP is not authorized to withhold the information I have highlighted in pink on pages 42, 46, 72, 77, 94, 100, 101, and 103 of the OOP Records, a copy of which is provided to the public bodies with this order. It must disclose that information to the applicant.
4. GCPE is not authorized to withhold the information I have highlighted in pink on pages 16 and 20 of the GCPE Records, a copy of which is provided to the public bodies with this order. It must disclose that information to the applicant.
5. The Ministry is not required or authorized to withhold the information I have highlighted in pink on pages 13-15, 34, 37-38, 49-50, 58-61, 63, 65-67, 69, 72, and 77 of the BCWS Records, a copy of which is provided to the public bodies with this order. It must disclose that information to the applicant.
6. The Ministry is required to withhold the portions of the audio file Audio MP4 1 from 0:33 to 0:52, and from 5:05 to 5:41, but is not required to withhold the remainder of the audio and video files, and must disclose them to the applicant.

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7. The public bodies must provide the OIPC's registrar of inquiries with a copy of its cover letter and the records it provides to the applicant in compliance with items 3 through 6 above.

[149] Pursuant to s. 59(1) of FIPPA, the public body is required to comply with this order by **July 31, 2026**.

June 18, 2026

**ORIGINAL SIGNED BY**

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David S. Adams, Adjudicator

OIPC File Nos.: F24-97021  
F24-97022  
F24-98504