



Order F26-64
PROVINCIAL HEALTH SERVICES AUTHORITY

Elizabeth Barker
Director of Adjudication

July 20, 2026

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Summary: Under the *Freedom of Information and Protection of Privacy Act* (FIPPA), an individual (applicant) asked the Provincial Health Services Authority (PHSA) for access to information related to an investigation of the applicant's workplace complaint. PHSA refused the applicant access to the requested records under ss. 14 (solicitor client privilege) and 22(1) (unreasonable invasion of a third party's personal privacy) of FIPPA. The adjudicator found PHSA was authorized to refuse to disclose all of the information in dispute under s. 14 and declined to consider whether s. 22(1) also applied.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, ss. 4(2), 14 and 22(1).

INTRODUCTION

[1] Under the *Freedom of Information and Protection of Privacy Act* (FIPPA), an individual (applicant) asked the Provincial Health Services Authority (PHSA) for access to certain information related to an investigation into the applicant's workplace complaint of bullying and harassment. In response, PHSA refused the applicant access to all the requested records under s. 14 (solicitor client privilege) of FIPPA.¹

[2] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review PHSA's decision to withhold the requested records in full. Mediation did not resolve the matter and the applicant requested that it proceed to an inquiry.

[3] Shortly after the notice of inquiry was issued, PHSA informed the OIPC that it was also refusing access to the records under ss. 13(1) (policy advice or recommendations) and s. 22(1) (unreasonable invasion of a third party's

¹ All section references are to FIPPA unless otherwise stated.

personal privacy) of FIPPA, and it wanted those issues added into the inquiry. The OIPC decided to add s. 22(1), but not s. 13(1), and an amended notice of inquiry with revised submission deadlines was issued to the parties.

[4] Both parties provided written submissions.²

ISSUES

[5] The issues in this inquiry are as follows:

1. Is PHSA authorized to refuse to disclose the information in dispute under s. 14 of FIPPA?
2. Is PHSA required to refuse to disclose the information in dispute under s. 22(1) of FIPPA?

[6] Section 57 of FIPPA says who has the burden of proof regarding each issue. The burden is on the PHSA, as the public body, to prove that s. 14 applies. The applicant, however, has the burden of establishing that disclosure of any personal information about a third party in the records would not be an unreasonable invasion of the third party's personal privacy under s. 22(1).³

DISCUSSION

Background

[7] PHSA is a health organization established as a not-for-profit society under the *Societies Act*⁴ and a public body for the purposes of FIPPA.⁵ PHSA provides specialized health care services on a province-wide basis. It also provides related services, such as information technology services, supporting the delivery of health care by other health authorities and organizations in British Columbia.

[8] The applicant is a former PHSA employee. In 2023 when he was still an employee, PHSA investigated his actions and found he had breached PHSA's *Standards of Conduct Policy* and harmed PHSA's reputation. As a result, PHSA's Director of Human Resources issued him a letter of expectations.

² After the submission phase of the inquiry was already closed, the applicant sent an uninvited submission. The OIPC's registrar told him that his uninvited submission would not form part of the record. For clarity, in making this decision, I have considered PHSA's May 8 and June 15, 2026 submissions and the applicant's May 8, 2026 submission (and his May 20, 2026 email confirming the May 8, 2026 email is his formal submission).

³ The public body, however, bears the initial burden of demonstrating that the information it severed under s. 22(1) is "personal information" as defined in Schedule 1 of FIPPA.

⁴ *Societies Act* [SBC 2015] c. 18.

⁵ See FIPPA at Schedule 2.

[9] Following those events, the applicant complained to the OIPC that PHSA had used his personal information contrary to FIPPA. The OIPC opened a complaint file and investigated. The applicant's complaint was found to be unsubstantiated and the complaint file was closed.⁶

[10] The applicant also made a workplace complaint to PHSA under PHSA's *Respectful Workplace Policy*, alleging that two employees in the PHSA's Human Resources department had bullied, harassed and discriminated against him (RWP Complaint).

[11] PHSA retained an external lawyer (External Legal Counsel) to investigate the RWP Complaint.

[12] Some months later, the applicant made the access request that is the subject of inquiry. His request was worded as follows:

Regarding the costs incurred by PHSA for the investigation into my, [applicant's name], harassment grievance I filed on August 25, 2023. Specifically, I am seeking the following information:

1. The total amount paid by PHSA to the investigator [External Legal Counsel's name] who conducted the investigation into my harassment grievance.
2. The total amount paid by PHSA to the law firm namely [External Legal Counsel's law firm] that was involved in the investigation into my harassment grievance.
3. A breakdown of any additional costs associated with the investigation, including but not limited to administrative fees, consultation fees, and any other related expenses.
4. A copy of instructions given to the investigator.
5. All email and text communications related to the investigation.
6. A copy of the final report.

Date range of records search: August 25, 2023 to July 03, 2024.⁷

The records and information in dispute

[13] PHSA did not provide the disputed records for my review as it asserts they are protected in their entirety by solicitor client privilege. Instead, PHSA provided an affidavit of its Executive Director and Senior Legal Counsel (Lawyer A) which includes a Table of Records as an exhibit.⁸ The disputed records are described in the body of the affidavit and in the Table of Records and based on that evidence, which I will describe in more detail below, I find there are 334 pages of

⁶ File F24-96519. The complaint related to s. 32 (use of personal information) of FIPPA.

⁷ Applicant's July 3, 2024 email to PHSA.

⁸ The Table of Records is Exhibit B to Lawyer A's affidavit.

records in dispute that comprise emails, attachments to some of those emails, and invoices detailing fees charged for legal services.⁹

Sufficiency of evidence in the absence of disputed records

[14] Although s. 44(1) of FIPPA gives me the power to order PHSA to produce the disputed records for my review, I would only order production of records that are claimed to be privileged if absolutely necessary to decide the issues in dispute. This cautious approach recognizes that the confidentiality of solicitor client communications is essential to the proper functioning of the legal system and should only be set aside in the most unusual circumstances.¹⁰ The Supreme Court of Canada has explained that without the assurance of confidentiality, people cannot be expected to speak honestly and candidly with their lawyers, which compromises the quality of the legal advice they receive.¹¹ Even the courts will decline to review solicitor client documents when adjudicating claims of privilege unless there is evidence of the necessity to do so in order to fairly decide the case.¹²

[15] I acknowledge the applicant looks unfavourably on PHSA's decision not to provide the records for my review during this inquiry.¹³ However, in this case and for the following reasons, I find that a production order under s. 44(1) is not necessary or appropriate.

[16] As a practicing lawyer, Lawyer A is an officer of the court with a duty to ensure that privilege is properly claimed.¹⁴ Her evidence is that she has reviewed and is familiar with the disputed records and that she was directly involved in many of the communications they contain. She describes the records in the body of her affidavit, and she also says the records are accurately described in the Table of Records which, as noted, is attached to her affidavit as an exhibit. Having reviewed the Table of Records, I find that for each record it provides the page numbers, date, type of record, FIPPA exception applied to withhold information, and a brief description summarizing the basis for the solicitor client privilege claim. Between the Table of Records and the information in the body of the affidavit, I have sufficient detail about the disputed records to understand their nature, purpose, context, and who was involved. Therefore, I am satisfied

⁹ The applicant does not dispute that the records are emails, attachments and invoices.

¹⁰ *Alberta (Information and Privacy Commissioner) v. University of Calgary*, 2016 SCC 53 (CanLII) [Calgary], at paras 34 and 40; *Canada (Privacy Commissioner) v. Blood Tribe Department of Health*, 2008 SCC 44 (CanLII) at para 9; *R v Fox*, 2026 SCC 4 (CanLII) [Fox] at para 40.

¹¹ *Calgary*, *ibid*, at para 34; *R v. McClure*, 2001 SCC 14 (CanLII), at para 2; *Fox*, *ibid* at para 40.

¹² *British Columbia (Minister of Finance) v. British Columbia (Information and Privacy Commissioner)*, 2021 BCSC 266 (CanLII) [Finance] at para 51.

¹³ Applicant's submission at p. 4.

¹⁴ *Finance*, *ibid* at para 86.

that I have the information I need to decide if s. 14 applies without needing to review the records.

Solicitor client privilege, s. 14

[17] Section 14 says that the head of a public body may refuse to disclose information that is subject to solicitor client privilege. Section 14 encompasses both legal advice privilege and litigation privilege.¹⁵ Although PHSA does not expressly say so, it is apparent that PHSA is only claiming legal advice privilege applies in this case.

[18] Legal advice privilege protects confidential communications between a solicitor and client made for the purpose of seeking or providing legal advice, opinion or analysis.¹⁶ Therefore, in order for information to be protected by legal advice privilege it must be:

- a communication between solicitor and client (or their agent);
- that entails the seeking or providing of legal advice; and
- that is intended by the solicitor and client to be confidential.¹⁷

[19] Not every communication between a solicitor and their client is privileged, however, if the conditions above are satisfied, then legal advice privilege applies.¹⁸ In addition, the scope of legal advice privilege extends beyond the actual requesting or giving of legal advice and includes the “continuum of communications” related to the legal advice. The continuum of communications includes the exchange of information between solicitor and client for the purpose of obtaining and providing legal advice as well as internal client communications about legal advice and its implications.¹⁹ Privilege can also extend to information that would reveal or allow accurate inferences to be made about the substance of privileged communications.²⁰

PHSA’s submission

¹⁵ *College of Physicians of B.C. v. British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 [College] at para 26.

¹⁶ *College*, *ibid* at para 31.

¹⁷ *Solosky v. The Queen*, [1980] 1 SCR 821 [Solosky] at p. 837; *R. v. B.*, 1995 CanLII 2007 (BC SC) at para 22.

¹⁸ *Solosky*, *ibid*, at p. 829.

¹⁹ *Camp Development Corporation v South Coast Greater Vancouver Transportation Authority*, 2011 BCSC 88 [Camp] at paras 42-47; *Bilfinger Berger (Canada) Inc. v. Greater Vancouver Water District*, 2013 BCSC 1893 at paras 22-24.

²⁰ Order F17-23, 2017 BCIPC 24 (CanLII) at para 41; Order F20-19 2020 BCIPC (CanLII) at paras 24-27; Order F22-16, 2022 BCIPC 18 (CanLII) at para 31; Order F24-31, 2024 BCIPC 38 (CanLII) at para 28; Order F26-58, 2026 BCIPC 71 (CanLII) at paras 46-47.

[20] PHSA submits all of the records in dispute are protected by solicitor client privilege. Its supporting evidence is set out in Lawyer A's affidavit and the accompanying Table of Records.

[21] Lawyer A attests that she provides, oversees and coordinates legal services for PHSA, and that she provided legal advice to PHSA in connection with the RWP Complaint. She explains that in the course of providing that legal advice, she engaged the services of External Legal Counsel "to carry out a solicitor client privileged investigation and to provide legal advice to PHSA concerning matters related to the RWP Complaint."²¹ She says it is clear that External Legal Counsel was gathering relevant evidence to provide legal advice to PHSA because he marked many of the records as "privileged and confidential."²² She also says the draft and final versions of the investigation report set out External Legal Counsel's legal advice about the RWP Complaint and the evidence.²³

[22] Lawyer A also says External Legal Counsel was instructed to carry out his investigation in coordination with Lawyer B, another PHSA lawyer. Lawyer A explains that Lawyer B participated in all aspects of the investigation and was also involved in providing legal advice to PHSA on matters connected to the RWP Complaint and External Legal Counsel's investigation.

[23] Both Lawyer A's affidavit and the Table of Records say the disputed records are emails, various attachments to those emails, and invoices to PHSA for the legal services provided by External Legal Counsel.

[24] Lawyer A's affidavit and the Table of Records also state that each of the disputed records are confidential communications made for the purposes of seeking or providing legal advice.

[25] The emails are described in the Table of Records as follows:²⁴

- Emails between PHSA Legal Counsel (i.e., defined in the Table of Records as any one or more of Lawyer A, Lawyer B and a third PHSA lawyer);
- Emails between PHSA Legal Counsel and the PHSA human resources staff who were involved in receiving and responding to the RWP Complaint; and
- Emails between PHSA Legal Counsel and External Legal Counsel.

²¹ Lawyer A's affidavit at para 16(b).

²² *Ibid* at para 17.

²³ *Ibid* at para 16(b).

²⁴ I have summarized and paraphrased the descriptions of the emails and attachments in the Table of Records for the sake of brevity.

[26] The attachments to the emails are described in the Table of Records as follows:

- A draft document prepared by External Legal Counsel that forms part of an email he sent to PHSA Legal Counsel about engaging his services;
- External Legal Counsel's terms of engagement that accompanied an email exchange between PHSA Legal Counsel and External Legal Counsel for the purpose of engaging External Legal Counsel and seeking legal advice;
- Internal PHSA emails which were attached and forwarded during email exchanges between PHSA legal counsel;
- Two attachments that are "the subject matter of" or "pertain to the subject matter of" accompanying emails between PHSA Legal Counsel or between PHSA Legal Counsel and External Legal Counsel, which relate to seeking legal advice and providing legal advice; and
- Draft and final versions of the investigation report drafted by External Legal Counsel which are attached to emails between External Legal Counsel and PHSA Legal Counsel.

[27] As for the invoices, Lawyer A says they relate to the legal services External Legal Counsel provided to PHSA, and include itemized time entries describing his activities. She says that disclosing the invoices would reveal or allow third parties to infer information about privileged communications appearing in the records.

[28] In sum, PHSA submits that each of the disputed records is either a confidential communication it had with its legal counsel that was sent and received for the purpose of seeking or providing legal advice or forms part of the continuum of communications in which legal advice was sought and provided and would reveal the substance of legal advice if disclosed.

Applicant's submission

[29] The applicant questions whether the disputed records are genuinely protected by solicitor client privilege. He says PHSA is wrongly attempting "to characterize virtually every activity connected to the investigation as privileged merely because legal counsel was involved" and "to collapse the distinction between legal advice and investigative or administrative functions".²⁵ He also does not think that the evidence gathering that takes place during an investigation is privileged in its entirety merely because a lawyer participates in the process. He urges the OIPC to "carefully scrutinize these claims and not

²⁵ Applicant's submission at p.3.

simply accept generalized assertions that all records connected to a lawyer are privileged.”²⁶

[30] Further, the applicant disagrees with what he sees as PHSA’s excessively broad or blanket approach to severing and its refusal to disclose any part of the disputed records. He submits that FIPPA requires PHSA to distinguish between privileged communications and factual material or information about administrative coordination and legal billing, which he believes are not privileged.²⁷

[31] Regarding the invoices, the applicant says there is “established authority recognizing that legal billing information is not automatically privileged simply because it relates to legal services.”²⁸

PHSA’s reply

[32] PHSA says the applicant’s submission that solicitor client privilege has been over-applied is not supported by the prevailing law and legal authorities.²⁹ PHSA says that once a solicitor client relationship has been established, privilege applies to all communications made within the framework of the solicitor client relationship and adds “solicitor client privilege is a substantive legal right that is broadly applicable to the entire continuum of communications between lawyer and client in which legal advice is sought and provided.”³⁰

[33] PHSA also cites court decisions that say solicitor client privilege is properly applied to legal advice provided by lawyers who are retained to conduct investigations and provide legal advice, as was the case with External Legal Counsel.³¹

[34] In response to what the applicant says about the obligation to sever the records, PHSA submits all of the disputed records comprise privileged communications, and there are no non-privileged materials that can be severed and disclosed without disclosing, or giving rise to a risk of disclosing, privileged information. It also cites case law where courts and OIPC adjudicators have cautioned against severing solicitor client privileged records due to the risk of inadvertently revealing privileged information.³²

Analysis and findings, s. 14

²⁶ *Ibid* at p. 4.

²⁷ *Ibid* at p.3.

²⁸ *Ibid* at pp. 3-4.

²⁹ PHSA reply at paras 3-7, and the court cases cited there.

³⁰ *Ibid* at para 3.

³¹ *Ibid* at para 6.

³² *Ibid* at paras 8-12.

[35] For the reasons that follow, I find that all of the disputed records are subject to solicitor client privilege. My findings are based on the evidence provided by Lawyer A, which includes the Table of Records. I accept her evidence because it is the sworn evidence of a practicing lawyer with a professional duty to ensure privilege is properly claimed, and I find that she has personally reviewed the disputed records and was involved in many of the communications in the records. In addition, I find that her evidence provides sufficient detail and context to allow me to assess PHSA's privilege claim. While I have thoroughly considered the applicant's submissions, what he argues does not undermine the credibility or reliability of Lawyer A's evidence or persuade me that the records are not protected by solicitor client privilege.

The emails and attachments

Solicitor client relationship

[36] Based on Lawyer A's affidavit evidence, I find that at the time of the communications in the records there was a solicitor client relationship between PHSA and the three lawyers who are identified as PHSA Legal Counsel. I am satisfied these lawyers were acting as PHSA's solicitors when they were communicating amongst themselves and with PHSA human resources staff and External Legal Counsel about the matters addressed in the disputed records.

[37] I also conclude that External Legal Counsel was acting as legal counsel to PHSA and there was a solicitor client relationship between him and PHSA. I am not persuaded by the applicant's argument that External Legal Counsel was only acting as an investigator and for that reason his communications could not be subject to solicitor client privilege. Based on the evidence in Lawyer A's affidavit and the Table of Records, I find External Legal Counsel was acting as a lawyer and was conducting the investigation for the purpose of giving legal advice to PHSA.³³ Courts have consistently recognized that legal advice includes ascertaining or investigating the facts upon which the advice is based.³⁴ I have no doubt that External Legal Counsel's communications with PHSA and PHSA Legal Counsel took place within External Legal Counsel's solicitor client relationship with PHSA.

Communications that entail the seeking or providing of legal advice

[38] I find that all of the emails were sent and received for the purpose of seeking and providing legal advice. Lawyer A's affidavit and the accompanying Table of Records satisfactorily establish that this was the case. The Table of Records says that the purpose of each email was to seek and provide legal

³³ *B.C. v. British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 (CanLII) at para 32.

³⁴ *Gower v. Tolko Manitoba Inc.*, 2001 MBCA 11; *College*, *supra* note 15 at para 32.

advice or engage legal counsel and seek legal advice. Some of the email descriptions also include commentary like: “sets out legal advice” or “would reveal information about legal advice developed by or for PHSA”.

[39] I also find that each attachment is an integral part of the email to which it is appended and disclosing the attachments risks revealing the substance of the email communications that I found were made for the purposes of seeking and providing legal advice or engaging External Legal Counsel to provide legal advice. Without repeating the details here, the Table of Records provides an adequate description of each attachment and its relationship to its accompanying email to satisfactorily establish this. This finding also applies to the draft and final copies of the investigation report and its appendices. In addition, I am satisfied the copies of the reports are stand-alone communications that were made for the purpose of providing External Legal Counsel’s legal advice to PHSA. This is supported by their being expressly labeled as “Privileged and Confidential”.

Confidential communications

[40] Lawyer A’s affidavit and the Table of Records describe each of the emails and attachments as either a confidential communication between PHSA Legal Counsel, or a confidential communication between PHSA Legal Counsel and External Legal Counsel. There is no indication in any of the materials before me to suggest that anyone other than PHSA Legal Counsel, PHSA human resources staff involved in the RWP Complaint matter, and External Legal Counsel were party to any of the communications contained in the disputed records. In addition, some of the emails, as well as the draft and final investigations reports, were expressly marked as “Privileged and Confidential”. All of this satisfies me that everyone who was involved in the email communications or who created or reviewed the attachments understood these records were intended to remain confidential.

[41] Given my conclusions above, I find that all of the emails and attachments are protected by legal advice privilege and PHSA may refuse to disclose them under s. 14.

The invoices

[42] Turning to the legal invoices, I accept Lawyer A’s evidence that they relate to the legal services External Legal Counsel provided to PHSA and include itemized time entries describing his activities.

[43] The courts have established that information about legal fees is presumptively privileged because it arises out of the solicitor client relationship and what transpires within it, and that legal fee information reflects work done at the instruction of the client and could reveal privileged communications between

solicitor and client.³⁵ The onus is on the applicant, as the party attempting to rebut the presumption, to establish that there is no reasonable possibility that disclosing the invoices would directly or indirectly reveal privileged communications.³⁶

[44] The applicant claims that there is “established authority recognizing that legal billing information is not automatically privileged simply because it relates to legal services”, but he does not say what authorities he means. I am not aware of any such authorities. My understanding of the law is the opposite of what the applicant believes and is guided by what the courts and past OIPC decisions have said about how legal billing information is presumptively privileged. The applicant did not say anything to attempt to rebut the presumption or establish that there is no reasonable possibility that disclosure of the invoices would directly or indirectly reveal privileged communications.

[45] As a result, I find that the presumption that the legal invoices are protected by legal advice privilege applies and has not been rebutted by the applicant. For that reason, PHSA may refuse to disclose the invoices under s. 14.

Reasonable severing of privileged records, s. 4(2)

[46] The applicant’s arguments about how he believes PHSA has over-applied s. 14, raise the issue of severing and s. 4(2) of FIPPA. Section 4(2) provides that if excepted information can reasonably be severed from a record, an applicant has a right of access to the remainder of the record.

[47] In *College of Physicians of BC v British Columbia (Information and Privacy Commissioner)* [College], the BC Court of Appeal said that where part of a record is privileged and a separate part is not privileged, s. 4(2) may be applied to sever the privileged information and release the remainder.³⁷ However, the Court said this in the context of a document that had two discrete parts that it found were not intertwined: 1) a summary of information and opinions provided by a third party expert, and 2) a lawyer’s comments concerning that information. Further, the courts have subsequently urged caution and said that severance of records containing privileged information under s. 4(2) should only be considered when it

³⁵ *Maranda v. Richer*, 2003 SCC 67 (CanLII) at para 33; *British Columbia (Attorney General) v. Canadian Constitution Foundation*, 2020 BCCA 238 [CCF] at para 60; *British Columbia (Attorney General) v. British Columbia (Information and Privacy Commissioner)*, 2019 BCSC 1132 (CanLII) at para 42.

³⁶ CCF, *ibid* at para 61. The test for whether privileged communications could be revealed is whether an “assiduous inquirer” could deduce, infer or otherwise acquire privileged communications based on the revealed information: *Donell v. GJB Enterprises Inc.*, 2021 BCCA 135 at paras 58-59; *School District No. 49 (Central Coast) v. British Columbia (Information and Privacy Commissioner)*, 2012 BCSC 427 at paras 104-105 and 122.

³⁷ *College*, *supra* note 15 at paras 60- 68. Ultimately, the BCCA found s. 14 applied to only one part of the records.

can be accomplished without any risk that the privileged legal advice will be revealed or be capable of being ascertained.³⁸

[48] In this case, based on PHSA's evidence about the nature, content, and context of the records, I do not think the records can reasonably be severed under s. 4(2) in order to disclose parts of them to the applicant. It is not clear to me that any of the records contain discrete parts that are not intertwined, as was the case in *College*. In my view, there is a real risk that even if only parts of the records are disclosed, it could reveal information that is subject to solicitor client privilege by allowing the applicant to infer the nature and extent of the legal advice provided to PHSA.

[49] I recognize that the applicant has concerns with what he perceives to be PHSA's overly broad application of s. 14 and he will be disappointed in the outcome of this inquiry. However, the Supreme Court of Canada has said that once established, solicitor client privilege is "considerably broad and all-encompassing"³⁹ and it applies "to all communications made within the framework of the solicitor-client relationship".⁴⁰ Ultimately, my decision here is guided by those principles and I am not satisfied any part of the disputed records can be disclosed without a real risk of revealing information that is subject to solicitor client privilege.

Summary of findings, s. 14

[50] In summary, I find that the emails and attachments are protected by legal advice privilege because they are confidential communications between solicitor and client that entail the seeking or providing of legal advice. In addition, I find that the presumption that the legal invoices are protected by legal advice privilege applies and has not been rebutted by the applicant. I also find that the privileged information in the records cannot be reasonably severed under s. 4(2).

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

[51] Section 22(1) requires a public body to refuse to disclose personal information if its disclosure would be an unreasonable invasion of a third party's personal privacy. I have found all of the information in dispute is subject to solicitor client privilege and PHSA is authorized to withhold it under s. 14. For that reason, it is not necessary to decide if s. 22(1) also applies to the same information, and I decline to do so.

³⁸ *British Columbia (Attorney General) v. Lee*, 2017 BCCA 219 at para 40. *Camp*, *supra* note 19 at para 46.

³⁹ *Pritchard v. Ontario (Human Rights Commission)*, 2004 SCC 31 at para 16.

⁴⁰ *Descoteaux et al. v. Mierzewski*, 1982 CanLII 22 (SCC) at p. 893; cited with approval in *British Columbia (Attorney General) v. Lee*, 2017 BCCA 219 (CanLII) at para 32.

CONCLUSION

[52] For the reasons given above, under s. 58(2)(b) of FIPPA, I confirm PHSA's decision that it is authorized by s. 14 of FIPPA to refuse the applicant access to all of the information in the disputed records.

July 20, 2026

ORIGINAL SIGNED BY

Elizabeth Barker, Director of Adjudication

OIPC File No.: F24-98878