



Order P26-13

HADDOCK & COMPANY

David S. Adams
Adjudicator

July 28, 2026

CanLII Cite: 2026 BCIPC 83
Quicklaw Cite: [2026] B.C.I.P.C.D. No. 83

Summary: An individual (the respondent) requested all of her personal information in the custody of a law firm (the organization) under the *Personal Information Protection Act* (PIPA). The organization applied to the Office of the Information and Privacy Commissioner under s. 37 of PIPA for permission to disregard the request on the basis that it was both frivolous and vexatious. The adjudicator found that the request was neither frivolous nor vexatious and denied the application.

Statutes Considered: *Personal Information Protection Act*, SBC 2003, c 63, s. 37(b).

INTRODUCTION

[1] Section 23 of the *Personal Information Protection Act* (PIPA) gives individuals the right to access their own personal information that is under the control of an organization.

[2] In May 2026, an individual (the respondent) requested all of her own personal information relating to a specified file number (the request) that was under the control of Haddock & Company, a law firm (the organization).

[3] The organization applied to the Office of the Information and Privacy Commissioner (OIPC) under s. 37(b) of PIPA for permission to disregard the request on the basis that it was both frivolous and vexatious. Both parties provided submissions for the application.

ISSUE AND BURDEN OF PROOF

[4] The sole issue on this application is whether the organization may disregard the request under s. 37 of PIPA.

[5] Previous orders have established that an organization applying to disregard a request should provide evidence to establish that it is entitled to relief under s. 37.¹

DISCUSSION

Background

[6] The respondent lived in a Vancouver co-op (the Co-op) operated by the Community Alternatives Co-operative Association (the Association). In 2024, the Association's board purported to terminate the respondent's membership and required her to vacate her unit. However, the respondent did not leave the Co-op at that time.

[7] The organization later represented the Association in a petition to the BC Supreme Court seeking an order for possession of the respondent's unit in the Co-op (the Petition).

Authorization to disregard request – s. 37(b)

[8] Section 37(b) of PIPA allows the Commissioner to authorize an organization to disregard access requests under ss. 23 or 24 that are frivolous or vexatious.

Parties' positions – frivolous or vexatious

[9] The organization submits that it has disclosed documents related to the Petition to the respondent. It says requiring it to disclose information to the respondent would result in "an unnecessary duplication of efforts". It says the Association may have a more complete record than it does. It says all the information it has about the respondent "would have all been obtained" in the course of the Petition.

[10] On this basis, the organization says the request is frivolous because it "could only directly mirror disclosure" from the Association.

[11] The organization says the request is vexatious because it would take the organization significant time and effort to comply with it, while its compliance would provide no useful information to the respondent. Therefore, it says, PIPA's purposes would not be advanced by allowing the respondent to use its provisions to "use it in this way to cause duplication of effort by counsel representing a party that retains the source documents".

¹ See, e.g., Order P24-04, 2024 BCIPC 18 (CanLII) and the orders cited therein.

[12] In addition, the organization says that any documents in its possession that were not already disclosed in the affidavits filed in the petition “will be subject to solicitor-client privilege under s. 23(3)(a) of PIPA”, with the result that if the organization’s s. 37 application is denied, nothing more than what was already disclosed in the affidavits will ultimately be available to the respondent.

[13] In support of its application, the organization provided a copy of the Petition. The organization also provided affidavits supporting the Petition from two of the Co-op’s directors. Attached to these affidavits are, among other things, several pieces of correspondence between the Co-op and the respondent, and photos of two signs apparently made by the respondent.

[14] The respondent does not appear to take a position on whether the request is frivolous or vexatious.

Analysis – frivolous or vexatious

[15] Previous orders and decisions have set out some criteria for determining whether an access request is frivolous or vexatious, which I adopt:

- Regardless of how it is so, a frivolous and vexatious request is one that is an abuse of rights under [PIPA];
- A “frivolous” request is one that is made primarily for a purpose other than gaining access to information. It will usually not be enough that a request appears on the surface to be for an ulterior purpose – other facts will usually have to exist before one can conclude that the request is made for some purpose other than gaining access to information.
- The class of “frivolous” requests includes requests that are trivial or not serious...
- The class of “vexatious” requests includes requests made in “bad faith”, i.e., for a malicious or oblique motive. Such requests may be made for the purpose of harassing or obstructing.²

Is the request frivolous?

[16] The organization asserts that much or all of the respondent’s personal information has been disclosed to her. This may be so. However, in the absence of any evidence or explanation, I am not prepared to conclude that it is so.

[17] On the basis of the materials before me, I cannot tell what personal information of the respondent may be under the organization’s control. The materials attached to the organization’s submission establish that at one time, the organization disclosed some information to the respondent. Almost two years

² Decision P05-01, 2005 CanLII 18157 (BC IPC) at para 12; Order P22-01, 2022 BCIPC 12 (CanLII) at para 20.

have elapsed since the filing of those materials. I cannot accept, without evidence or even an express assertion, the proposition that the organization has had no more of the respondent's personal information come into its custody since that time.

[18] In addition, there is no evidence or argument before me that the respondent is using the request for a purpose other than to access her personal information.

[19] In light of these considerations, I do not find the request to be frivolous.

Is the request vexatious?

[20] The organization relies on Decision P05-01 (though it does not expressly say how the conclusions reached in that decision apply to the present case). In that decision, former commissioner Loukidelis found that an access request was vexatious because:

- The respondent knew what information the organization had about him;
- The respondent's stated reasons for requesting his personal information shifted during the inquiry;
- The respondent ought to have known that the organization would claim solicitor-client privilege over some of the information it had, under s. 23(3)(a) of PIPA;
- The respondent had disclosure of his personal information through the litigation discovery process of an action to which he and the organization were parties. Though he claimed the disclosure was incomplete, the venue to challenge that completeness was in the courts.³

[21] However, the former commissioner also cautioned:

This decision should not be interpreted as suggesting that an access request will be found vexatious merely because litigation has taken place, is under way, or is possible, and disclosure of the same information or documents has occurred or may occur. My findings in this case relate to the particular circumstances at hand surrounding the respondent's access request.⁴

[22] In this case, there is no evidence before me that the request was made in bad faith or for an improper purpose, or to harass or obstruct the organization. It may take the organization time to respond to it (though it does not say, even in broad terms, how much time that might be), but that is the nature of access requests. I also cannot conclude, on the basis of the organization's bare assertion, that the request would produce no useful information.

³ Decision P05-01, *supra* note 2 at paras 14-23.

⁴ *Ibid* at para 24.

[23] The organization also says if it is required to respond to the request, “any documents in possession of the [organization] and not included in the affidavits will be subject to solicitor-client privilege”. That may be so. However, there is no evidence before me that the organization has ever advised the respondent about a possible claim of solicitor-client privilege with respect to any of the information. If it claims the privilege with respect to any of the respondent’s personal information under its control, it can make that claim in its response to the request.

[24] In these circumstances, I do not find the request to be vexatious.

Conclusion

[25] I have found that the request is neither frivolous nor vexatious. Section 37 of PIPA exists to guard against abuses of the right of access to one’s own personal information. Without more, I cannot see how the request is an abuse of this right. Moreover, the authorization to disregard a request – i.e., to limit this right – is an extraordinary remedy that should be granted after careful consideration and in exceptional cases.⁵ Nothing in the organization’s submissions or evidence persuades me that there is anything exceptional about the request or the circumstances surrounding it.

[26] For these reasons, I deny the organization’s application under s. 37.

[27] I note here that an organization is not required to disclose copies of records it has already provided to an access applicant, either through a previous access request or by another avenue. In those circumstances, an organization may respond by indicating when it provided the records to the access applicant.⁶

CONCLUSION

[28] For the reasons given above, the organization is not authorized to disregard the respondent’s access request. It must continue to process the request.

July 28, 2026

ORIGINAL SIGNED BY

David S. Adams, Adjudicator

OIPC File No.: P26-01675

⁵ Order P26-02, 2026 BCIPC 16 (CanLII) at para 23.

⁶ See, e.g., Order P25-02, 2025 BCIPC 16 (CanLII) at para 37.