



Order F26-79

CARIBOO REGIONAL DISTRICT

Allison J. Shamas
Adjudicator

September 4, 2026

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Summary: The Cariboo Regional District (the District) requested authorization under s. 43 of the *Freedom of Information and Protection of Privacy Act* to disregard an individual's (the respondent's) outstanding and future access requests about his daughter's employment with the District. The adjudicator found that ss. 43(b) (record disclosed to the applicant) and 43(d)(i) (abuse of the right to make a request because the request is repetitious or systematic) applied to the outstanding requests, but that ss. 43(a) (frivolous or vexatious) and 43(a.1) (abusive or malicious behaviour) did not. The adjudicator authorized the District to disregard all the respondent's outstanding requests as well as all future requests about his daughter's employment over and above a single access request at a time, to a maximum of six requests in total, for a period of one year.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996 c. 165 ss. 43(a), 43(a.1), 43(b), and 43(d)(i).

INTRODUCTION

[1] This proceeding concerns a request by the Cariboo Regional District (District) for authorization to disregard all outstanding and future access requests by an individual (the respondent) for records related to his daughter's employment with the District under s. 43 of the *Freedom of Information and Protection of Privacy Act* (FIPPA).

PRELIMINARY ISSUES

Legislative amendments and the District's request to add new s. 43 provisions

[2] After the District filed its s. 43 application, the Legislature introduced the following amendments to s. 43 of FIPPA, which I have bolded below:

Power to authorize a public body to disregard a request

43 If the head of a public body asks, the commissioner may authorize the public body to disregard a request under [section 5](#) or [29](#), including because

(a) the request is frivolous or vexatious,

(a.1) the behaviour of the applicant is abusive or malicious,

(b) the request is for a record that has been disclosed to the applicant or that is accessible by the applicant from another source,

(c) responding to the request would unreasonably interfere with the operations of

(i) the public body, or

**(ii) the ministry of the minister responsible for this Act,
or**

(d) the request is

**(i) an abuse of the right to make a request under [section 5](#) or [29](#) because the request is repetitious or systematic,
or**

(ii) excessively broad.¹

[3] The amendments came into force on May 28, 2026.² They include a transition provision which provides that the amendments to s. 43 “appl[y] to requests received before, on or after the date this section comes into force.”³

[4] On May 29, 2026, I wrote to the parties to give them the opportunity to make submissions about the applicability of the amendments to the District’s s. 43 application and to make further submissions on the merits of that application in light of the amendments.

[5] In response, the District advised that in addition to ss. 43(a) and (b) which were part of its initial request, it also sought to rely on the new ss. 43(a.1) and 43(d)(i) provisions. The respondent did not object to the District’s addition of ss. 43(a.1) and 43(d)(i) and both parties provided additional submissions in support of their positions on the merits of the new provisions.

¹ Bill 9 - 2026 *Freedom of Information and Protection of Privacy Amendment Act*, 2026 (hereinafter referred to as ‘Bill 9’) received Royal Assent on May 28, 2026. See s. 12 of Bill 9. For a full legislative history of and the full text of Bill 9 see: https://www.leg.bc.ca/parliamentary-business/overview/43rd-parliament/2nd-session/bills/3rd_read/gov09-3.htm.

² *Ibid* s. 28.

³ *Ibid* s. 27 is a transitional provision dealing with s. 43.

[6] In my view, the language of the transitional provision makes it clear that the Legislature intended the amendments to s. 43 to apply to access requests that come before the OIPC in applications under s. 43 whether they were received before, on or after May 28, 2026. Given the language and the parties' positions, I find it appropriate to allow the District to amend its current s. 43 application to include the new s. 43 provisions cited by the District.

Clarification about the parties' submissions

[7] Some of the parties' submissions relate to a workers' compensation claim that underlies the respondent's requests. The parties also refer to the respondent's past requests that the District has already responded to, and to provisions of FIPPA that are no longer part of s. 43.⁴ My jurisdiction is limited to deciding the FIPPA matters that are before me - that is, whether the provisions of s. 43 relied on by the parties and that are now in effect apply to any of the outstanding requests, and if so, what relief, if any, is appropriate. Therefore, while I have read all the parties' submissions, I will not refer to them except to the extent that they are relevant to issues before me.

[8] Furthermore, over the course of this inquiry, the parties participated in three rounds of submissions – the OIPC's regular submission process; a second round in response to my request for clarification about which requests were outstanding and therefore the subject of the District's request for relief; and a third round to address the legislative amendment which I discussed above and that occurred during the inquiry. I have considered all the parties' submissions in determining the District's s. 43 application.

ISSUES IN DISPUTE

[9] The District's s. 43 application requires me to consider the following five issues:

1. Are the outstanding requests vexatious within the meaning of s. 43(a)?
2. Is the behaviour of the respondent abusive within the meaning of s. 43(a.1)?
3. Are the outstanding requests for records that have been disclosed to the respondent within the meaning of s. 43(b)?
4. Are the requests an abuse of the right to make a request because the requests are systematic within the meaning of s. 43(d)(i)?

⁴ Specifically, I note that while the District initially sought relief under s. 43(c)(ii) which allows the Commissioner to authorize a public body to disregard an access request because responding to it would unreasonably interfere with the operations of the public body because the request is repetitious or systematic. It differs from s. 43(d)(i) in that the "unreasonable interference with the operations of the public body" is not part of s. 43(d)(i).

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

[10] As the party applying for relief under s. 43, the District has the burden to prove that its s. 43 application should be granted.⁵

BACKGROUND

[11] In 2021, the respondent's daughter (D) filed a claim for compensation with WorkSafeBC⁶ for a mental disorder that she alleged was caused by workplace stressors in her employment at the District. D died by suicide in 2022. The claim was outstanding at the time of her death, and her estate, represented by the respondent, took carriage of the claim. The respondent's position in the workers' compensation proceedings was that the District bullied and harassed D causing a mental disorder.

[12] Between February and November of 2022, WorkSafeBC denied the initial claim, the respondent's request for reconsideration, and his request for review. On January 20, 2023, the respondent appealed WorkSafeBC's review decision to the Workers' Compensation Appeal Tribunal (WCAT). In a decision dated November 20, 2025, WCAT dismissed the respondent's appeal (WCAT Decision).⁷ Most recently, the respondent filed a petition for judicial review asking the BC Supreme Court to set aside WCAT's decision. The petition for judicial review remains outstanding.

[13] WCAT disclosed approximately 500 pages of records collected by WorkSafeBC to all parties (including the respondent) during the WCAT proceeding.⁸ In addition, during the WCAT proceeding the parties exchanged additional documents beyond those collected by WorkSafeBC (collectively the WCAT Documents).⁹

[14] The respondent submitted 30 FIPPA access requests to the District for records related to D's workers' compensation claim between January 6, 2024 and February 24, 2026. With few exceptions, those requests relate directly to matters canvassed in the WCAT Decision. The respondent made 14 requests in

⁵ Auth. (s. 43) 02-02, [2002] BCIPCD No 57 [Auth. (s. 43) 02-02]. Available at <https://www.oipc.bc.ca/documents/decisions/160>; Order F17-18, 2017 BCIPC 19 at para 4.

⁶ WorkSafeBC is the Board established under the *Workers' Compensation Act*, RSBC 2019 c. 1.

⁷ WCAT Decision A2302498, November 20, 2025 accessible here: <https://www.wcat.bc.ca/decisions/pdf/2025/11/A2302498.pdf>

⁸ In its initial submission, the District states that there were 513 pages of records. In his supplementary submission the respondent says it is 519 pages.

⁹ See District's initial submission. The respondent does not dispute this assertion.

2024;¹⁰ four requests in 2025;¹¹ and 12 requests in January and February of 2026.¹²

[15] The District responded to 24 of the 30 requests. Requests 20, 21, 22, 23, 27 and 29 remain outstanding. They are dated January 12, 13, 17, 29, February 16, and 18, 2026 respectively. It is the six outstanding requests that are the subject of the District's request for relief in this application.

[16] On January 29, 2026, the District's legal counsel wrote to the respondent. In that letter, legal counsel stated:

Many of your requests duplicate requests you have made previously. Between the multiple requests for information and the extensive disclosure of records by the [District] in the proceedings before WorkSafeBC and the Workers' Compensation Tribunal, the [District] has produced to you all relevant records regarding [D's] employment with the [District].

If there is a record that you have requested, that has not already been produced to you, it is likely because no such record exists.

Given the extensive disclosure provided to you already, and the lack of any other relevant records that may relate to [D], the [District] will not be responding to any further requests for disclosure of information that may relate to [D].¹³

[17] Despite the letter, the respondent continued to make requests and the District continued to respond to them. After the January 29, 2026 email, the respondent made seven requests (Requests 24 – 30), and the District responded to five of them. The two that remain are part of the six outstanding requests.

[18] On February 26, 2026, the District requested authorization under s. 43 of FIPPA to disregard the respondent's outstanding requests and all future requests relating to D's employment with the District.

SECTION 43 – AUTHORIZATION TO DISREGARD

[19] Section 43 allows the Commissioner to grant the extraordinary remedy of limiting an access applicant's right to access information under FIPPA. Given that relief under this section curtails or eliminates a person's right to access records,

¹⁰ Requests 1 – 14 are dated January 6, January 6, January 16, February 4, February 23, March 6, March 11, September 22, September 28, October 7, October 19, November 5, November 18, and December 9 of 2024.

¹¹ Requests 15 – 18 are dated January 4, January 4, and December 16 of 2025.

¹² Requests 19 – 30 are dated January 8, 12, 13, 17, 29, February 6, 11, 11, 16, 16, 18, and 23 of 2026.

¹³ Initial submission of the District at para 52 and email attached to submission.

s. 43 applications must be carefully considered,¹⁴ and granting s. 43 applications should be the “exception” and not a mechanism for public bodies “to avoid their obligations under FIPPA.”¹⁵

[20] Section 43 serves an important purpose by guarding against abuses of the right of access.¹⁶ When an access applicant abuses their access rights under FIPPA, it can have serious consequences for the access rights of others by overburdening a public body and thereby impacting the public body’s ability to respond to those other requests.¹⁷ It can also harm the public interest by unnecessarily adding to a public body’s costs of complying with FIPPA.¹⁸ In this way, s. 43 is an “important remedial tool in the Commissioner’s armoury to curb abuse of the right of access.”¹⁹

[21] The District submits that it should be authorized to disregard the six outstanding requests because they are vexatious under s. 43(a), are for records that have been disclosed to the respondent in accordance with s. 43(b), are an abuse of the right to make a request under FIPPA because they are systematic under s. 43(d)(i), and because the behaviour of the respondent is abusive in accordance with s. 43(a.1).

Record that has been disclosed to the respondent – s. 43(b)

[22] Section 43(b) allows the Commissioner to authorize a public body to disregard an access request because the request is for a record that has been disclosed to the applicant. The District asserts that s. 43(b) applies to Requests 21 and 27.

[23] **Request 21** is for a copy of the July 16, 2020 email sent to D by a District representative regarding sick time used and how vacation time would have to be used going forward.

[24] In his submission, the respondent acknowledges that he subsequently located the requested email in the WCAT Documents.

[25] I accept the respondent’s statement, and I find that Request 21 is for a record that has been disclosed to the respondent within the meaning of s. 43(b).

¹⁴ Auth. (s. 43) 99-01 at page 3 [Auth. (s. 43) 99-01]. Available at <https://www.oipc.bc.ca/documents/decisions/158>.

¹⁵ Auth. (s. 43) (19 December 1997) at page 1. Available at <https://www.oipc.bc.ca/documents/decisions/156>.

¹⁶ Auth. (s. 43) 99-01, supra note 14 at page 8.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Crocker v British Columbia (Information and Privacy Commissioner)*, 1997 CanLII 4406 (BC SC) at para 33 [Crocker].

[26] **Request 27** is for a copy of the second of two functional assessment forms completed by D's physician dated June 3, 2021.

[27] The parties agree that D's physician completed two functional assessment forms on June 3, 2021. The respondent says he only received one.

[28] The respondent provided a copy of the functional assessment form he acknowledges that he received for my review. It is a one-page form dated June 3, 2021, signed by a physician, that addresses D's physical abilities (for example her ability to lift, walk, and stand). It provides no information about her behavioural, cognitive, or emotional limitations, but includes a note that reads "See other form for behavioural, cognitive, emotional limitations." Therefore, I accept that there are two functional assessment forms completed by D's physician on June 3, 2021.

[29] The respondent says he only received one of the two functional assessment forms. The District says he received both forms in the same records package during the WCAT proceeding. The District provided a copy of the WCAT Decision for my review. In the WCAT decision, the Vice Chair discusses a functional assessment form dated June 3, 2021 that was completed by D's physician and that includes detailed quotes from the form that describe D's behavioural, cognitive, and emotional limitations."²⁰ These quotes are not from the form that the respondent provided for my review, and clearly relate to D's behavioural, cognitive, and emotional limitations.

[30] I find that the form referred to in the WCAT Decision is the second form that the respondent is seeking in Request 27. I also find that the second form was before the Vice Chair and discussed during the WCAT proceeding. In the circumstances, I accept the District's assertion that the second form was disclosed to the respondent during the WCAT proceeding, either as part of the WCAT Documents, or in a further disclosure. Accordingly, I conclude that Request 27 is for a record that has been disclosed to the respondent within the meaning of s. 43(b).

Conclusion – s. 43(b)

[31] I find that s. 43(b) applies to requests 21 and 27. The District does not assert that s. 43(b) applies to any of the other outstanding requests; therefore, I have not considered whether s. 43(b) applies to those four other requests.

²⁰ WCAT Decision at para 40 discussing the June 3, 2021 functional abilities form.

Abuse of the right to make a request because the request is systematic – s. 43(d)(i)

[32] The District requests authorization to disregard all six requests because those requests are systematic under s. 43(d)(i). Given that I found s. 43(b) applies to Requests 21 and 27, I have not considered whether s. 43(d)(i) also applies to those two requests. Section 43(d)(i) is a new provision. It allows the Commissioner to authorize a public body to disregard a request that is an abuse of the right to make a request because it is repetitious or systematic.

[33] While the “abuse of the right to make a request” language is new to s. 43, the “repetitious or systematic” language is the same as what was in s. 43(c)(ii) prior to the amendments.²¹

[34] Neither party made submissions about the interpretation of s. 43(d)(i).

[35] In Order F26-72, the OIPC made the following comments about the interpretation of s. 43(d)(i):

[T]he addition of the language “abuse of the right to make a request” recognizes that not every request made in accordance with a system is an abuse of the right to make a request. Rather, an abuse occurs when there is an underlying pattern that is itself indicative of a misuse of the right to make a request.

Ultimately, what constitutes an abuse of the right to make a request because it is systematic is open-ended and depends on the specific facts and circumstances of each case. The focus should be on the nature and magnitude of the pattern of requests. Accordingly, in considering whether the requests before me are an abuse of the right to make a request because they are systematic, I will consider whether:

- The request is made according to a method or plan of acting that is organized and carried out according to a set of rules or principles;²² and
- The pattern of requests indicates a misuse of the right to make a request, some indicia of which may include, but are not limited to:
 - using information received in response to an access request to make future access requests or complaints to prolong the dispute with a public body;
 - revisiting earlier access requests;

²¹ What used to be s. 43(c)(ii) allowed the Commissioner to authorize a public body to disregard a request where “responding to the request would unreasonably interfere with the operations of the public body because the request is repetitious or systematic”.

²² Auth. (s. 43) 99-01, <http://www.oipc.bc.ca/decisions/170> at page 3.

- an increase in volume or frequency of the requests over time;
- behaviour suggesting that a respondent has no intention of stopping the flow of requests and questions, all of which relate to essentially the same records, communications, people and events; and
- routinely raising issues with the public body about their responses to freedom of information requests, and then often taking those issues to review by the OIPC.

Finally, in order to determine whether the request(s) at issue are an abuse of the right of access because they are systematic, I must look at the whole pattern of requests including previous requests and the requests I have found to be frivolous, above.²³

[36] I agree with this interpretation and the reasons given for it, and I adopt it here.

Parties' submissions

[37] The District submits that the respondent is using FIPPA as a means of document discovery for the litigation of the workers' compensation matter. It says that all of the respondent's requests relate to the workers' compensation matter, and that they bear several indicia of systematicity, including that the respondent:

- Made several requests relating to the same topic;
- Continued to request records despite being told those records did not exist;
- Asked for records for the admitted purpose of "confirming" records he already has;
- Combed over the WCAT Decision and records he has already received hoping to identify additional records that would assist with his judicial review; and
- That his conduct is escalating.

[38] In contrast, the respondent's position is that he is lawfully using FIPPA's processes to request records that may be relevant to the judicial review and that the District is attempting to block him from obtaining this information.

[39] The parties also made specific arguments about the four requests at issue here. Those requests and the parties' submissions about them are below.

[40] **Request 20:** The respondent requested a copy of the email that was sent to D giving her notice of the upcoming February 5, 2020 disciplinary meeting

²³ 2026 BCIPC 91 at paras 85-87.

regarding article 10.3 of the collective agreement which gives employees the right to have a union steward present during a disciplinary meeting.

[41] The respondent explains that he made this request because in his view D was entitled to notice of the February 5, 2020 meeting, and he does not have a record of the email in which she received that notice.

[42] The District explains that D's entitlement to notice of disciplinary meetings was an issue during the WCAT proceeding. It says that the February 5, 2020 meeting was not disciplinary and therefore did not attract a notice obligation. The District characterizes this request as an example of the respondent combing over records to identify other requests he could make, and of asking for records based on his own unilateral and mistaken understanding of the facts. I understand from the District's submission that the requested record does not exist.

[43] **Request 22:** The respondent requested a leave application and absence reports for D for the period from May 22 to July 2, 2021.

[44] The respondent explains that for most other time periods, where a functional assessment form is found in the WCAT Documents, it is accompanied by supporting leave application and absence reports. He says that for this period, the supporting documents are missing.

[45] The District says the respondent already has all records relating to D's attendance during this period including a summary and other records. It explains that the leave application and absence reports are completed by the employee not the employer, and that the reason these documents were not included in the WCAT Documents is because D did not fill them out. Again, I understand from the District's submission that the requested records do not exist.

[46] **Request 23:** The respondent requested access to a copy of the insurer's letter to the District where the insurer told the District that the November 16, 2021 note from D's physician was inadequate.

[47] The respondent explains that he made this request because during the WCAT proceeding the District said the insurer told the District that D's November 16, 2021 doctor's note was inadequate, and given that statement he struggled to understand why the District's insurer granted D's request for long term disability leave. I understand the respondent to mean that he is skeptical of the representation the District made during the WCAT proceeding and therefore wants documented proof of it.

[48] The District characterizes this request as an example of the respondent requesting records based on his mistaken assumption that there is a written record of every statement made to the District. I understand from the District's

submission that the record does not exist because the statement from the insurer that is the subject of the request was not recorded into writing.

[49] **Request 29:** The respondent requested a copy of the message a District Employee received from the District's benefit provider stating that the benefit provider had asked D to apply to WorkSafeBC.

[50] The respondent did not specifically address Request 29.

[51] The District explains that this issue was addressed in the WCAT Decision at para 77 which states:

[In a September 29, 2021 email, the human resource manager asked the worker to complete a Form 6A (Employee Form to Employer) and a Form 6 (Application for Compensation) regarding the worker's mental disorder claim with the Board. She noted that the extended benefit provider had advised her that the worker was intending to file a claim. She asked the worker to return a completed Form 6A to the employer and the completed Form 6 to the Board in order for her claim to proceed.

[52] The District says that the issue of the benefit provider requesting that D file a claim with WorkSafeBC was resolved before WCAT, and that this request is another example of the respondent requesting records based on his mistaken assumption that there is a written record of every statement made to the District. Again, I understand from the District's submission that there is no written record of the statement.

Findings and analysis regarding s. 43(d)(i)

[53] For the reasons below, I find that Requests 20, 22, 23, and 29 are an abuse of the right to make a request because they are systematic.

[54] As noted, to determine whether the requests at issue are an abuse of the right of access because they are systematic, I must look at the whole pattern of requests including previous access requests.

[55] The respondent made Requests 20, 22, 23, and 29 in the context of a total of 30 requests he made to the District relating to D's employment over a three-year period. Moreover, these four requests are part of a cluster of 14 requests (the 14 Requests) that the respondent made in the three months following WCAT's November 20, 2025 decision to dismiss his appeal.

[56] Details of the 14 Requests are as follows:

Request No.	Date	Summary or text ²⁴ of Request
17	Dec 16, 2025	A letter the District sent to D's physician (between June 1 and December 31, 2021) asking how it could better accommodate her in the workplace.
18	Jan 5, 2026	A letter from the District to D advising her of a March 11, 2021 discipline meeting and the right to have a union steward present.
19	Jan 8, 2026	An email from D to another District employee dated December 11, 2020 about a specific aspect of her work (invoicing), and that employee's response to the email.
20	Jan 12, 2026	An email from the District to D advising her of a February 5, 2020 meeting and the right to have a union steward present.
21	Jan 13, 2026	Email or document sent to D by a District employee on July 16, 2020 about sick time used and how vacation time would have to be used going forward.
22	Jan 17, 2026	Leave application and absence reports for D for the period from May 22, 2021 to July 2, 2021.
23	Jan 29, 2026	Insurer's letter to the District where the insurer stated that the November 16, 2021 note from D's physician was inadequate.
24	Feb 6, 2026	"Request to revisit Request No. 11 on the basis that "none of the dates in the response, coincide with the dates in the request"."
25	Feb 11, 2026	"In your response to my Jan. 5/ 2026 Request you stated [D] was verbally informed of the up coming Mar.11 / 2021 disciplinary meeting, Please supply the name of the individual who gave [D] notice also the date and time notice was given. If some individual other than the above arranged for the Job Steward, please supply their name and the date that happened as well."
26	Feb 11, 2026	"Again, I request a copy of the letter you stated the [District] had sent to [D's physician] requesting him how the [District] could better accommodate [D] in the workplace, we were speaking of Functional Ability Forms at the time and you specifically stated the [District] had sent a letter. NOTE June 3 /2021 was the first day [the physician] had [D] as a patient, if I

²⁴ Where possible, I have summarized the requests. Where the language used in the request is relevant, I have quoted the request directly. In these instances, the requests are in quotation marks.

		recall correctly [D] did manage a phone appointment with [a different doctor] April / 2021, however she could not get medical attention until the June 3/ 2021 ... Appointment.”
27	Feb 16, 2026	A copy of the second functional assessment form completed by D’s doctor dated June 3, 2021.
28	Feb 16, 2026	A copy of expenditures paid out of the tax base by the [District] to [its lawyers] in their defense against D and himself.
29	Feb 18, 2026	A copy of the message a District employee received from the District’s benefit provider stating that the benefit provider had asked D to apply to WorkSafeBC.
30	Feb 23, 2026	A copy of a District employee’s emails dated January 12 and February 9, 2026 to the respondent’s own email address re a memorial for D.

[57] By the time the respondent made requests 20, 22, 23 and 29 he already had a significant number of records relating to D’s employment through the WCAT Documents, additional documents exchanged during the WCAT proceeding, and past requests. The respondent also had information about D’s employment through his participation in the workplace compensation proceedings.

[58] While the parties differ in their characterization of the respondent’s purposes, both parties agree that the respondent made requests 20, 22, 23 and 29 to support his petition for judicial review of the WCAT Decision. Furthermore, it is clear from a review of the 14 Requests that the respondent was using the access process to ask the District a series of pointed questions about what he viewed as individual missing records. I am therefore satisfied that the first part of the test is satisfied – this is to say, I find that requests 20, 22, 23, and 29 were made according to a method or plan of acting that is organized and carried out according to a set of rules or principles.

[59] I now turn to the second part of the test which concerns whether the pattern of requests indicates a misuse of the right to make a request.

[60] Nearly all of the 14 Requests follow the same pattern – they concern one or two specific records, defined by date, sender and recipient, and the content of the communication or record, and relate directly to issues addressed in the WCAT Decision.²⁵ It is clear from the specificity of these requests that the

²⁵ The exceptions are Request 28 which is for records related to the District’s legal fees in respect of the workers’ compensation claim and Request 30 which is for records relating to an incident that occurred after D’s death.

respondent made them by sifting through the WCAT Decision and the records he already has for specific records that may be missing.

[61] Some requests in the group of 14 Requests are duplicative. For example, in Request 24 the respondent seeks to revisit Request 11 which he made two years earlier. Two others (Requests 17 and 26), which the respondent made two months apart, are for the same record. Furthermore, the respondent made Request 26 even though in response to Request 17 the District told the respondent that it had already disclosed the requested record.

[62] Others are for records the respondent already has. For example, request 30 is for emails that were sent to the respondent's own email address.²⁶ The respondent does not explain why he requested emails that were sent to him. In addition, as discussed in respect of s. 43(b), Requests 21 and 27 were also for records that were already disclosed to the respondent.

[63] Other requests relate to the same issue. For instance, Requests 18, 20, and 25 all relate to whether and how D was given notice of meetings and the right to have a union steward present. While I acknowledge that some of these concern different meetings, they all relate to an issue that was addressed during the WCAT proceeding.

[64] Request 28 is for information about legal fees paid by the District to its lawyers in its defense against D and himself. I find this request troubling because it is a request for records that could only exist because of the respondent's litigation against and access requests to the District. It raises real questions about whether the respondent's requests to the District will end.

[65] I recognize that it is not easy to sort through hundreds of pages of records and past requests. However, in my view, the respondent's willingness to make requests to the District for emails sent to his own email address, for records that he has otherwise already received, or requests that duplicate past requests without first verifying that he cannot obtain the information that he seeks from his own records reflects a lack of regard for the resources of the public body and the rights of other access applicants who must also rely on those same resources to request access to records from the District. Furthermore, the respondent's transition in request 28 to requesting records generated from his own access requests also raises concerns that respondent's persistence may have evolved into something more problematic.

[66] I also find there was a marked increase in the frequency of the respondent's access requests over time. The respondent made 13 requests in the first two months of 2026, as compared to the 14 requests he made across all

²⁶ The email address in the request is the same email address the respondent provided to the OIPC as his contact in this proceeding.

of 2024, and the three requests he made in 2025. If the respondent were to continue to make requests at the same pace as in January and February of 2026, that would result in a total of 72 requests in 2026.

[67] In my view, the pattern described above in combination with the stark increase in the number of requests raises real questions about whether and when the respondent intends to stop the flow of requests. It suggests that there is something more going on here than simple persistence – that is, that the respondent may be unwilling to accept that the information he wants to support his position in the workers' compensation proceedings may not exist.

[68] On balance, I find that there are sufficient indicia to indicate that the respondent's pattern of making requests has crossed the line into an abuse of FIPPA's access processes. For this reason, I find that the second part of the test is satisfied. That is, I find that requests 20, 22, 23 and 29 are an abuse of the right to make a request.

Conclusion – s. 43(d)(i)

[69] Considering all the circumstances above, I find that requests 20, 22, 23, and 29 are an abuse of the right to make a request because they are systematic.

[70] The District also asserts that ss. 43(a) and 43(a.1) apply. While I have decided that ss. 43(b) or 43(d)(i) apply to all the outstanding requests, I will consider the application of s. 43(a) and 43(a.1) to all six outstanding requests because my findings on these issues may be relevant to my determination about remedy.

Vexatious requests – s. 43(a)

[71] Section 43(a) allows the Commissioner to authorize a public body to disregard an access request because the request is frivolous or vexatious. In this case, the District only argues that the outstanding requests are vexatious.

[72] Requests that are vexatious are an abuse of the right to access information under FIPPA as they are made for a purpose other than a genuine desire to access information. Vexatious requests include requests made in bad faith, such as for a malicious purpose or requests made for the purpose of harassing or obstructing the public body.²⁷ Past orders have found requests to be vexatious because:

²⁷ Auth (s. 43) 02-02 [2002] BCIPCD No. 57 at para 27.

- The purpose of the requests was to pressure the public body into changing a decision or taking an action;²⁸
- The respondent was motivated by a desire to harass the public body;²⁹
- The intent of the requests was to express displeasure with the public body or to criticize the public body's actions;³⁰ and
- The request was intended to be punitive and to cause hardship to an employee of a public body.³¹

[73] In addition, the fact that one or more requests are repetitive may, alongside other factors, can support a finding that a specific request is vexatious.³²

Parties' submissions on s. 43(a)

[74] The District submits that the outstanding requests are vexatious because the respondent is using them to punish, and express his displeasure with, the District. In support of this position, the District references a social media post the respondent made about his efforts to seek justice for his daughter and what he interprets as efforts by District employees and the District's legal counsel who are identified by their initials to see that justice is not done. The District also emphasizes that the respondent's requests are escalating and submits that this circumstance supports its position that the requests are vexatious.

[75] While the respondent acknowledges that he is displeased with the District and its legal counsel, he argues that any actual ill will is on the part of the District toward him and D. With respect to the social media post, the respondent says he made the "emotional post" on the anniversary of his daughter's death, and that while it seemed appropriate to him at the time, a posting of this kind is "far from [his] normal pattern."³³

Findings and analysis on s. 43(a)

[76] I am not persuaded that the respondent made any of the outstanding requests to harass or punish the District. While the social media post and some of the respondent's submissions in this inquiry indicate that the respondent is displeased with the District, the District has not demonstrated a sufficient

²⁸ Decision F08-10, 2008 CanLII 57362 (BC IPC) at paras. 38-39; Order F13-16, 2013 BCIPC 20 at para 20.

²⁹ Order F13-18, 2013 BCIPC 25 (CanLII) at para 36.

³⁰ Decision F10-11, 2010 BCIPC 51 (CanLII); Order F16-24, 2016 BCIPC 20 (CanLII) at para 40; F20-15, 2020 BCIPC 17 (CanLII) at para 33

³¹ Order F19-44, 2019 BCIPC 50 (CanLII) at para 33.

³² Order F19-44, 2019 BCIPC 50 (CanLII) at para 12, citing Auth. (s. 43) 02-02 (November 8, 2002) at para 27.

³³ Respondent's response submission at page 10.

connection between the respondent's displeasure and his motivation for making the requests.

[77] As adjudicators have explained in past orders, an access applicant may be both displeased and make access requests, but these facts alone do not make the requests vexatious.³⁴ In the circumstances of this application, I am not persuaded that the respondent made any of the outstanding requests for the purpose of harassing or punishing the District. Rather, as I have discussed above, it seems to me that he made the outstanding requests to question and challenge the District in relation to the workers' compensation claim and to assist with the judicial review, which I find is not a malicious purpose. I am not persuaded that s. 43(a) applies to any of the six outstanding requests.

Behaviour of the applicant is abusive or malicious – s. 43(a.1)

[78] Section 43(a.1) allows the Commissioner to authorize a public body to disregard requests where the behaviour of the applicant is abusive or malicious.

Parties' arguments on s. 43(a.1)

[79] The District argues it should be authorized to disregard the six outstanding requests because the respondent's behaviour is abusive. In defining abusive, the District relies on two statements from the Minister of Citizens' Services (the Minister) recorded in the Hansard reports from debate about the amendments to FIPPA.³⁵ The first was from a statement about the proposed amendments to FIPPA as a whole:

[The Bill] will also address the rare but highly impactful situations where FOI is being used inappropriately, such as **duplicating legal discovery or subjecting staff to abusive behaviour**, while preserving the oversight of the Information and Privacy Commissioner: Hansard, Wednesday, March 4, 2026, Afternoon Sitting, Issue No. 132, 4:45 pm. [Emphasis added].

[80] The second was about the proposed amendments to s. 43 specifically:

Thank you, members opposite, for the opportunity to speak to this clause. Clause 13 is about ensuring that malicious or abusive behaviour towards public employees can be addressed, and **this is about the health and safety and safe workplaces in public bodies. As we've seen across many parts of our society, there has been an increase in the mistreatment of people**, and this includes violence, threats and **extreme mistreatment of public workers**, and so that's part of what clause 13 is doing: Hansard Blues, Monday, May 25, 2026, Afternoon Sitting, 5:00 pm. [Emphasis added.]³⁶

³⁴ F22-08, 2022 BCIPC 8 (CanLII) at para 99.

³⁵ Bill 9, *supra* note 1.

³⁶ District's submission of June 9, 2026.

[81] The District also refers to Black's Law Dictionary which defines abusive as:

1. Characterized by wrongful or improper use.
2. (Of a person) habitually cruel, malicious, or violent; esp., using cruel words or physical violence.³⁷

[82] The District argues that the respondent's behaviour is abusive because his requests are duplicative of legal discovery in the WCAT proceeding and judicial review, and therefore an abuse of process.

[83] The District also argues that the respondent's behaviour is abusive because he is mistreating and harassing the District's employees and lawyer. It submits that the respondent's conduct is motivated by the fact that he holds the District and its employees responsible for the death of his daughter, and that he is on a quest for justice which he views the District as obstructing.

[84] In support of this position, the District relies on the respondent's January 2026 social media post discussed above about his efforts to seek justice for his daughter and efforts by District employees and the District's lawyer who are identified by their initials to obstruct his efforts. The District also relies on statements the respondent made in his submissions in this proceeding. Those statements affirm the respondent's view that his social media post was truthful, and allege that the District's lawyer:

- Tried to stop him from acquiring detrimental information about the District and to discredit the information he does have;
- Used their superior knowledge of the law to hinder his efforts;
- Put forward at least a dozen proven false statements during the WCAT proceeding; and
- Used their ability to control the outcome of this proceeding "in the form of a thinly veiled threat."³⁸

[85] Furthermore, according to the District, the respondent's requests and statements serve as a constant reminder that he blames District employees for the death of his daughter, and that he is accusing them, and their legal counsel of wrongfully impeding him in his search for information.

³⁷ *Ibid.*

³⁸ Respondent's submission dated June 10, 2026.

[86] Addressing the social media post, the respondent says that the post was motivated by grief, truthful, and because he used only initials, would only be recognizable to those already directly involved in the case.

Findings and analysis on s. 43(a.1)

[87] The District's submissions are limited to the term abusive. Accordingly, I find the only issue before me is whether the respondent's conduct is abusive within the meaning of s. 43(a.1).

The purpose of s. 43(a.1) is to prevent mistreatment of people

[88] I understand the District is arguing s. 43(a.1) protects against the abuse of people and of processes. In support of its position, the District offers two different definitions of the term "abusive". The first concerns abuse of process and specifically about preventing duplicating legal discovery, and the second is about mistreating people. For the reasons below, I find that only the mistreatment of people is relevant in the context of s. 43(a.1).

[89] The modern approach to statutory interpretation is well-known. The Supreme Court of Canada has formulated it in these terms: "[T]he words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament."³⁹

[90] Considering the wording of s. 43(a.1), while the word "abusive" lends itself equally to both definitions discussed above, in my view, the phrase "the behaviour of the applicant is abusive or malicious," in s. 43(a.1) does not support both definitions proposed by the District. Rather, on its face, this phrase is about how an access applicant is treating the people that they engage with as part of the FIPPA access process, not whether the applicant is misusing the legal process or abusing FIPPA processes.

[91] In addition, s. 43(a.1) is unique in that it is the only provision within s. 43 that is solely about the applicant's behaviour. The abuse of process interpretation proposed by the District returns the focus to the applicant's access request and is inconsistent with the specific reference in s. 43(a.1) to the applicant's behaviour.

[92] In my view, the broader context is also instructive. Section 43 is composed of five subsections, each of which, guard against abuse, in one way or another, of the right to make a request. Section 43(a.1) is one component of that broader protection. In my view, it would be absurd for the Legislature to draft ss. 43(a) – (d)(ii) so precisely to deal with specific abuses of FIPPA's access processes, only

³⁹ *Rizzo & Rizzo Shoes Ltd. (Re)*, 1998 CanLII 837 (SCC) at para 21.

for s. 43(a.1) to be a carte blanche authorization to disregard all abuses of process under s. 43(a.1), as suggested by the District.

[93] I also find that the Legislative debate about the proposed amendments to s. 43 consistently and exclusively referred to the mistreatment of people. The Minister who introduced the amendments explained the purpose of s. 43(a.1) as follows:

...about ensuring that malicious or abusive behaviour towards public employees can be addressed, and this is about the health and safety and safe workplaces in public bodies. As we've seen across many parts of our society, there has been an increase in the mistreatment of people, and this includes violence, threats and extreme mistreatment of public workers.⁴⁰

[94] Furthermore, the debate about the provision mirrored the Minister's views, for instance:

Abusive or malicious behaviour refers to a pattern of conduct intended to harass, intimidate, threaten or overwhelm staff.⁴¹

.... Protecting public servants from harassment while maintaining access rights is not a controversial thing. It is responsible governance.⁴²

Addressing abusive and malicious conduct. One of the most sensitive but necessary aspects of this bill is the amendment allowing public bodies to apply to disregard requests in cases of abusive or malicious behaviour. ...

...Examples include patterns of harassment, intimidation, threats to staff safety. These situations are extremely rare, but when they do occur, they're highly disruptive and divert resources away from processing legitimate requests. This amendment protects public servants while preserving applicants' rights through independent oversight.⁴³

[95] Lastly, as noted further above, the District draws its "abuse of process/duplicating legal discovery" interpretation from statements made by the Minister which are recorded in Hansard about proposed amendments to FIPPA as a whole, and not just s. 43. Those amendments include what is now s. 3(5)(e) which expressly deals with duplication of mandatory legal discovery. Therefore, considered in the full context of the amendments to FIPPA, I find that the reference to duplicating legal discovery in the statement relied on by the District concerns s. 3(5)(e), and not the interpretation of s. 43(a.1).

⁴⁰ Hansard Blues, Monday, May 25, 2026, 5:00 pm.

⁴¹ Hansard, Tuesday, March 10, 2026, 5:15 pm.

⁴² Hansard, Tuesday, March 10, 2026, 5:50 pm

⁴³ Hansard, Tuesday, April 21, 2026, 3:20 pm.

[96] For all the reasons above, I find the purpose of s. 43(a.1) is to protect people against mistreatment. I am not persuaded by the District that I should interpret s. 43(a.1) as being also intended to address abuse *of process* (whether FIPPA's processes or other legal processes).

What does the term "abusive" in s. 43 mean?

[97] Dictionary definitions of the term "abusive" include "habitually cruel, malicious, or violent; esp., using cruel words or physical violence,"⁴⁴ "using harsh, insulting language; harsh and insulting; and using or involving physical violence or emotional cruelty,"⁴⁵ and "using rude and offensive words, or using physical violence or emotional cruelty."⁴⁶

[98] In addition, following the amendments to s. 43, the OIPC published guidance about s. 43(a.1) which includes the following definition of the term "abusive":

Abusive: a pattern of behavior that is offensive, mistreats others, or involving threats, insults, put downs, criticism, intimidation, or humiliation. For example, this can include:

- the use of hurtful, insulting, derogatory, discriminatory or threatening language, whether or not the staff is the focus of the language;
- name calling and personal insults;
- unreasonably copying parties unrelated to the matter on correspondence, such as police or other regulatory bodies; or
- an unreasonable fixation on an individual or staff member, including for example seeking out personal social media accounts or other personal information about a party or staff member and including that irrelevant information in a submission.⁴⁷

[99] I find all the definitions above to be consistent with one another and helpful in assessing whether the behaviour is abusive under s. 43(a.1).

The respondent's behaviour was not abusive

[100] I am not persuaded that the respondent's behaviour was abusive within the meaning of s. 43(a.1), because I am not satisfied that the behaviour the

⁴⁴ Black's Law Dictionary, excerpt in Respondent's submission of February 26, 2026.

⁴⁵ <https://www.merriam-webster.com/dictionary/abusive> accessed July 28, 2026.

⁴⁶ ABUSIVE | English meaning - Cambridge Dictionary accessed July 28, 2026.

⁴⁷ The OIPC's Guidance on applications to disregard under s. 43(a.1), is accessible here: <https://www.oipc.bc.ca/documents/guidance-documents/3169>. While this guidance document is not binding on me, I find its definition useful.

District identifies amounts to the kind of serious mistreatment that engages the provision.

[101] The District points to the social media post (Post) and the statements in the respondent's submissions (Submission Statements). In my view, the public nature of the Post and the fact that the Submission Statements are repetitive and unsubstantiated increases the seriousness of these behaviours somewhat. This is particularly true of the allegation that the lawyer put forward false statements during the WCAT proceeding, which arguably suggest that the lawyer engaged in misconduct.

[102] However, the Post is somewhat cryptic, and I agree with the respondent that only those who are familiar with the dispute between the respondent and the District would likely understand who and what he is referring in the Post. In addition, what the respondent says about these people in both the Post and the Statements – all variations on the theme that they are impeding his efforts to obtain information – while critical, do not reach the level of “abusive.”

[103] The Post and Submission Statements do not use derogatory, discriminatory, insulting, or threatening language. There is no name calling or personal insults. The respondent does not use rude or offensive words. There are no threats, insults, putdowns, intimidation, or humiliation. They are not cruel or violent. The respondent is not unreasonably copying his communications to people who are not involved in his access request. While the respondent does refer to certain people by name or initials, he is not accessing their social media accounts or including irrelevant personal information about them in his submissions or making deeply personal attacks.

[104] In my view, the Post and Submission Statements are not extreme, personal, numerous, or otherwise of a nature as to cross the line into abusive behaviour under s. 43(a.1). There is nothing in my review of FIPPA, the Legislative debates, or the wording of s. 43(a.1) to indicate this provision was intended to be used to authorize a public body to disregard access requests in the face of the handful of moderately critical statements made by the respondent here.

[105] I also understand the District to argue that in assessing whether the respondent's behaviour is abusive, I should consider the impact of the respondent's numerous access requests and communications about those access requests on District employees. The District says those employees understood that the respondent blamed them for D's death and as a result experienced each request and communication as a reminder of that blame.

[106] To be clear, the District does not allege that the respondent directly told any District employee that he blamed them or the District for D's death during the

access process. The District's argument is that District employees know that the respondent feels this way due to the position he adopted in the workers' compensation proceedings, and that knowledge impacted how District employees experienced otherwise neutral (though certainly persistent) access requests and communications.

[107] I can understand why the respondent's conduct may have felt distressing to some District employees given their understanding of his views. However, there is nothing objectively abusive about the respondent's behaviour in making or communicating about his access requests. Nor has the District provided sufficient evidence to persuade me that the respondent's otherwise neutral behaviour is abusive due to its context.

[108] In this regard, it is my view that the words of s. 43(a.1), and in particular the words "the behaviour of the applicant is ..." require an objective focus on the respondent's behaviour. Therefore, while the feelings of those affected may provide relevant context to understand an access applicant's behaviour, feelings alone do not engage s. 43(a.1). In the circumstances before me, the evidence does not persuade me that District employees' feelings about otherwise the respondent's access requests and communications are sufficient to render them "abusive".

[109] For the reasons above, I find that the respondent's behaviour was not abusive within the meaning of s. 43(a.1).

What relief is appropriate in the circumstances?

[110] The District requests authorization to disregard the respondent's six outstanding and any future requests for information that relate to D's employment with the District.

[111] I begin with the District's request concerning the outstanding requests. I found that two of the six outstanding requests were for records that had already been disclosed to the respondent under s. 43(b), and that the four that remained were an abuse of the right to make a request because they were systematic under s. 43(d)(i).

[112] The BC Supreme Court has found that it would be entirely appropriate for the Commissioner to authorize a public body to disregard an outstanding request if the Commissioner concludes the criteria under s. 43 have been met.⁴⁸ Therefore, I find that it is appropriate to authorize the District to disregard the six outstanding requests which are Requests 20, 21, 22, 23, 27 and 29.

⁴⁸ *Mazhero v. British Columbia (Information and Privacy Commissioner)*, 1998 CanLII 6010 (BCSC) [Mazhero] at para 26.

[113] I now turn to the District's request for future relief.

[114] The Commissioner has the power, under s. 43, to make prospective orders by authorizing public bodies to disregard future access requests when the circumstances warrant such relief.⁴⁹ Previous OIPC orders have tailored any future relief to the circumstances of each case and have considered factors such as:

- A respondent's right to their own personal information;
- Whether there are any live issues between the public body and the respondent;
- Whether there are likely to be any new responsive records;
- The respondent's stated intentions;
- The nature of past requests; and
- Other avenues of obtaining information in the past and future available to the respondent.⁵⁰

[115] The BC Supreme Court has clarified that "the remedy fashioned by the Commissioner must redress the harm to the public body seeking the authorization."⁵¹ In addition, the Court has said that any remedy the Commissioner authorizes under s. 43 must be proportional to the harm inflicted and must bear in mind the objectives of s. 43.⁵²

[116] As discussed above, the harm in this case is that after filing his petition for judicial review of the WCAT Decision, the respondent began systematically combing through records and other sources of information to identify and request any record that might be missing, or that he could not find. The circumstances leave no reason to believe that the pattern will change without intervention by the OIPC.

[117] There is also good reason to believe that the respondent now has most relevant records. The respondent received over 500 pages of records in the WCAT proceeding. Over the past three years, the respondent has made 30 requests for records to the District relating to D's employment. Of the six requests that were before me, two were for records the respondent already had and the remaining four were for records that did not exist. Finally, as D is deceased, there are no more new records about her employment with the District. While I recognize that the respondent sees things differently, in my view these circumstances support the District's position that there are few, if any, additional relevant records.

⁴⁹ *Crocker, supra* note 19 at paras 40-41.

⁵⁰ Order F20-15, 2020 BCIPC 17 at para 34 and the orders cited therein.

⁵¹ *Crocker, supra* note 19 at para 45 and *Mazhero, supra* note 45 at para 29.

⁵² *Crocker, supra* note 19 at para 45 and *Mazhero, supra* note 45 at para 25.

[118] On the other hand, the respondent is party to an ongoing legal proceeding that relates to D's employment, and I recognize that this litigation is important to the respondent.

[119] I decline to grant the District's request for authorization to disregard all future requests from the respondent relating to D's employment because I find this relief would unduly restrict the respondent's ability to make legitimate requests that do not violate s. 43. I do not think this is a reasonable approach in the context of ongoing litigation.

[120] However, in the circumstances, I find it appropriate to authorize the District to disregard all access requests made by the respondent that relate to D's employment over and above a single access request at a time, to a maximum of six requests in total, for a period of one year. This approach addresses the concern that the respondent will continue to abuse the right of access by making further systematic requests, while preserving the respondent's ability to reasonably exercise his access rights as they relate to his ongoing legal proceedings.

CONCLUSION

[121] For the reasons given above, I make the following authorizations under s. 43:

1. The District is authorized, to disregard Requests 20, 21, 22, 23, 27 and 29 under ss. 43(b) and 43(d)(i) of FIPPA.
2. For a period of one year from the date of this authorization, the District is authorized to disregard all access requests that the respondent submits that relate to D's employment over and above a single access request at a time, to a maximum of six requests in total for the year.

September 4, 2026

ORIGINAL SIGNED BY

Allison J. Shamas, Adjudicator

OIPC File No.: F26-00632