



In the Matter of an Investigation under s.36 of the *Personal Information Protection Act*

Order P26-16
OpenAI OpCo LLC

(“OpenAI”)

Michael Harvey
Commissioner

September 28, 2026

1. This is an order pursuant to s. 38(1) of the *Personal Information Protection Act*, SBC 2003 c 63 (“**PIPA**”) requiring OpenAI to supply information and produce documents as set out in **Appendix “A”** to this order as part of an investigation under s. 36(1)(a) of *PIPA* into the use of Jesse Van Rootselaar’s personal information in connection with the mass shooting that occurred in Tumbler Ridge, BC on February 10, 2026 (the “**Tumbler Ridge Tragedy**”).
2. Prior to making this order, the Office of the Information and Privacy Commissioner (“**OIPC**”) exchanged correspondence, information requests, and responses with OpenAI through its internal and external counsel, both before and after formally commencing an investigation under s. 36 of *PIPA*.¹ The OIPC’s information requests, and OpenAI’s responses, are reproduced in the chart at **Appendix “A”** to this order. The correspondence itself is compiled and attached as **Appendix “B”** to this order. The order I am making is responsive to and builds on that correspondence.

¹ February 25, 2026 (Letter from OIPC to OpenAI’s General Counsel); March 6, 2026 (letter from OpenAI’s Associate General Counsel to OIPC); March 19, 2026 (Letter from OIPC to Open AI); March 27, 2026 (Letter from OpenAI External Counsel to OIPC) June 10, 2026 (Notice of Investigation & Information Request); June 23, 2026 (Open AI Extension Request); June 25, 2026, dated July 25, 2026, in error (OIPC Response to Extension Request); July 17 & 31, 2026 (OpenAI Responses to information requests).

Open AI's Government Request Policy

3. OpenAI has indicated that it is limited in its ability to provide responses that would disclose its users' personal information owing to its Government Request Policy, the relevant portion of which OpenAI has set out as follows:

OpenAI US may disclose user data in response to legal process issued from a jurisdiction outside the US if the legal process would constitute valid and compulsory legal process if issued to a company in the jurisdiction of the requesting country, and where doing so is consistent with US law, international human rights laws, principles, and norms, and the terms of service, policies and principles of OpenAI US.

4. PIPA is a provincial law of general application that applies to the collection, use, and disclosure of personal information by organizations in British Columbia. It also applies extraterritorially to the activities of organizations located outside of BC where there is a sufficient connection to BC to ground jurisdiction.²
5. Whether directed to an organization within British Columbia or extraterritorially, an order of the Commissioner under s. 38 of PIPA constitutes a compulsory legal process. Section 38(1.1) of PIPA permits the commissioner to apply to the B.C. Supreme Court for an order directing a person to comply, and s. 38.2 permits the commissioner to apply to have a person who fails or refuses to comply to be held in contempt.
6. OpenAI has been cooperative in its responses to date, subject to the limitations as outlined above. I trust that my making this order will address those limitations in relation to disclosure of Ms. Van Rootselaar's personal information.
7. Furthermore, information provided by OpenAI will be kept in strict confidence in accordance with the statutory restrictions on disclosure of any information myself, and anyone working for me are bound by, found at s. 41 of *PIPA*.

² *Clearview AI v British Columbia (Information and Privacy Commissioner)*, 2026 BCCA 67.

Scope of Investigation

8. OpenAI's responses to date have been focused primarily on how accounts are reviewed for the purpose of enforcing usage policies, including as it relates to violence and illegal activity.³
9. To be clear, the scope of the OIPC's investigation is not limited to the context of OpenAI reviewing Ms. Van Rootselaar's account for the purposes of enforcing its Usage Policies. My office is also investigating how ChatGPT used Ms. Van Rootselaar's personal information to generate conversation responses to her. Our office identified that line of inquiry in prior correspondence.⁴
10. However, to the extent that it was unclear, I am clarifying it now.
11. The OIPC is responsible for ensuring that organizations subject to PIPA collect, use, and disclose information only for purposes that a reasonable person would consider appropriate in the circumstances.⁵ The OIPC is conducting an investigation into whether OpenAI's use of Ms. Van Rootselaar's personal information meets that standard in three respects:
 - a. **Age assurance.** How does OpenAI use information about a person's age in the delivery of its services, including response-generation, content moderation, and review?
 - b. **Response-generation and personalization.** How does OpenAI use personal information in the delivery of its services (e.g. generation of responses, personalization and customization of user experience). An area of concern is whether the use of Ms. Van Rootselaar's personal information (including as contained in and derived from prompts, uploaded content, usage data, interactions with other users) in the delivery of the service (i.e. ChatGPT responses) is one that a reasonable person would consider

³ See, e.g., OpenAI's July 31, 2026, response, p. 2 ("OpenAI understands the OIPC's investigation of OpenAI specifically to concern whether its use of Ms. Van Rootselaar's personal information, in the context of reviewing her account for the purposes of enforcing its Usage Policies, was for a person that a reasonable person would consider appropriate in the circumstances.")

⁴ See, e.g., the OIPC's letter of June 25, 2026 ("The possible breach of PIPA in this case is whether the responses by ChatGPT are a use of Ms. Rootselaar's personal information in a manner that a reasonable person would consider appropriate in the circumstances.")

⁵ PIPA, ss. 11, 14, 17.

appropriate in the circumstances, including having regard to the potential for responses to influence behaviour. Recent media reports on the content of the interactions between Ms. Van Rootselaar and ChatGPT suggests significant and direct relevance to the Tumbler Ridge Tragedy.⁶

- c. ***Content review and moderation to detect, assess, and escalate instances of violent or illegal usage.*** How does OpenAI collect, use, and disclose personal information in the course of flagging, reviewing, and escalating potential usage violations, including in connection with violent or illegal activity?

Information and documents sought

12. I have determined that the responses received to date are not sufficient to allow the OIPC to properly investigate the above issues, and further clarification and an order for production is necessary. The information and documents sought at this stage are set out in **Appendix “A”**.

Background information

13. Some of the information sought is designed to ensure that investigators have a sufficient baseline level of information about ChatGPT – and Ms. Van Rootselaar’s interaction with it – to properly understand and contextualize the remaining information and frame further queries as needed. This information also provides the investigative team with information to better understand why and how certain content was flagged, along with OpenAI’s decisions around closing her accounts.
14. Information and documents falling into this category include items 1, 2 (partially), and 3 through 7 in **Appendix “A”**.

With respect to age assurance

15. In its information response of July 31, OpenAI described its “age gate” and its Age Estimation Model (Question 17) and explained the impact of age-related assurances on content moderation and account features (Question 18). As to the query about the impact of age assurances on Ms. Van Rootselaar’s account and the content moderation and review process that applied

⁶ M. Follman, “ChatGPT Helped Tumbler Ridge Shooter Focus on Guns, Tactics, and Terror” *Mother Jones* (September 24, 2026) <https://www.motherjones.com/media/2026/09/chatgpt-tumbler-ridge-mass-shooter-openai/>.

(Question 19), OpenAI referred to the baseline prohibitions on violent and harmful misuse as well as training techniques.

16. The further information and documents sought in **Appendix “A”** provide detail that will allow the investigative team to understand how age may have factored into the use, response generation and personalization, content review and moderation, and decisions impacting Ms. Van Rootselaar’s account, and the age-related models OpenAI currently employs.
17. The further information and documents falling into this category include items 17 through 19 in **Appendix “A”**.

With respect to response generation and personalization

18. As noted, OpenAI’s focus to date has largely been on the use of personal information in the context of reviewing her account for the purposes of enforcing OpenAI’s usage policies. However, OpenAI has stated that it uses Account Information, User Content, and Usage Data “to personalize and customize [its] user experience”.⁷
19. The information and documents requested in **Appendix “A”** are designed to permit the investigative team to better understand how OpenAI’s response generation and personalization functions make use of personal information and made use of personal information in Ms. Van Rootselaar’s case. Information and documents provided with respect to response generation and personalization are needed for the investigators to assess and determine whether OpenAI’s use of Ms. Van Rootselaar’s personal information in the delivery of the user experience was reasonable in the circumstances.
20. Without reviewing the actual content of the messages between Ms. Van Rootselaar and ChatGPT (Item 4), an assessment of this question is not possible. Further information and documents sought relating to this category are included in **Appendix “A”** item 2.

With respect to content review and moderation

21. Given the focus of its responses to date, OpenAI has provided high-level explanations of a number of aspects of its detection, review, and escalation of violent or illegal usage. On this topic, the information and documents sought focus on obtaining further insight and clarity into the policies and practices

⁷ See pgs. 3-4 of OpenAI’s letter dated July 17, 2026.

that would have been applied to Ms. Van Rootselaar's account(s), including detail that OpenAI may have felt unable to provide outside the context of a compulsory legal process.

22. Open AI's July 31, 2026, letter included submissions as to why the content review and moderation process satisfies the appropriate purpose assessment under s. 14 of *PIPA*. The information that OpenAI has been able to provide to date is at too high a level of generality to permit those claims to be properly assessed. The information and document requests in **Appendix "A"** are designed to obtain the specifics necessary for the investigative team to understand how OpenAI responds to issues requiring moderation, the processes moderators follow, decisions around escalation and human review, internal considerations around disclosure to law enforcement or other third parties, and how all of that occurred (or did not) in Ms. Van Rootselaar's case.
23. The questions and requests that fall into this category are items 8 through 16 in **Appendix "A"**.

CONCLUSION

24. Guided by the scope of the Investigation as identified above, and taking into consideration the information already provided, I have identified further documents and information necessary for conducting the Investigation as set out in **Appendix "A"**. Given OpenAI's Government Request Policy, I am of the view a mandatory Order is necessary for production.
25. Therefore, I order:
- a. Pursuant to s.38(1)(a), no later than November 13, 2026, that a representative of OpenAI with relevant knowledge to this Investigation attend in person or by electronic means to the OIPC to answer the questions listed in the third column of the chart attached as **Appendix "A"** to this Order. The OIPC may accept written responses in full or partial satisfaction of this term.
 - b. Pursuant to s.38(1)(b):
 - i. no later than October 9, 2026, that OpenAI produce the records of interactions between Ms. Van Rootselaar and ChatGPT as detailed in the fourth column, Item 4 of the chart found at **Appendix "A"**; and

- ii. no later than October 23, 2026, that OpenAI produce copies of the remaining documents listed in the fourth column of the chart attached as **Appendix “A”**.

September 28, 2026

ORIGINAL SIGNED BY

Michael Harvey
Information and Privacy Commissioner
for British Columbia

OIPC File No.: P26-00413