Order F26-101

SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY (TRANSLINK)

Emily Kraft
Adjudicator

November 18, 2026

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Summary: The South Coast British Columbia Transportation Authority (TransLink) applied under ss. 43(a) and 43(c)(i) of the *Freedom of Information and Protection of Privacy Act* for authorization to disregard outstanding access requests made by the respondent. TransLink also requested authorization to disregard all future requests made by the respondent over and above a single open request at a time for a period of three years. The adjudicator found the respondent's requests were vexatious under s. 43(a) and granted the relief requested by TransLink.

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

INTRODUCTION

[1] The South Coast British Columbia Transportation Authority (TransLink) applied to the Office of the Information and Privacy Commissioner (OIPC) under s. 43 of the *Freedom of Information and Protection of Privacy Act* (FIPPA)[1] for authorization to disregard certain access requests made by an individual (respondent). TransLink submits that the respondent's access requests are vexatious under s. 43(a) and that responding to them would unreasonably interfere with its operations under s. 43(c)(i).

[2] TransLink is requesting authorization to disregard all outstanding access requests made by the respondent and any future access requests over and above a single access request at a time for a period of three years.

[1] RSBC 1996, c 165. Through the remainder of this order, references to sections of an enactment are references to FIPPA, unless otherwise stated.

ISSUES

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

1) Are the respondent's access requests vexatious under s. 43(a)?
2) Would responding to the access requests unreasonably interfere with TransLink's operations under s. 43(c)(i)?
3) If the answer to issues 1 or 2 is yes, what remedy, if any, is appropriate?

[4] TransLink has the burden of proving that ss. 43(a) or 43(c)(i) applies.[2]

DISCUSSION

Background

[5] TransLink is a regional transportation authority that provides a multi-modal transportation system in the Metro Vancouver region. It has two primary operating companies: the Coast Mountain Bus Company, which operates most of the region's bus service, and the BC Rapid Transit Company.[3]

[6] The respondent is a regular user of TransLink's transit services. I gather from the respondent's submission in this inquiry that he often uses a handcart to carry shopping bags while on TransLink buses. When he does, he requests that bus drivers deploy the boarding ramp for him to get on and off the bus, but they often resist or refuse doing so because the respondent does not have obvious mobility issues. The respondent believes the bus drivers are violating his human rights.

[7] The respondent has made hundreds of access requests under FIPPA to TransLink over the years. In 2023, TransLink requested relief under s. 43 regarding the respondent's requests and the OIPC granted that relief in Order F24-38.[4] Specifically, Order F24-38 authorized TransLink to disregard all of the respondent's outstanding access requests and to disregard all access requests made by the respondent over and above a single access request at a time for a two-year period. The two-year period specified in Order F24-38 ran until May 8, 2026.

Requests at issue

[8] The respondent made 12 access requests to TransLink between May 25, 2026, and June 25, 2026. All 12 access requests are for closed-circuit television (CCTV) footage of the respondent over entire bus trips from the moment the respondent appears on the footage until he disembarks the bus. A few of the

[2] Auth (s. 43) 02-02, [2002] BCIPCD No 57 at para 4.
[3] TransLink's initial submission at paras 5-6.
[4] 2024 BCIPC 46.

requests are multi-part and also include requests for dashcam or bodycam footage of the respondent as well as records related to that footage such as security officers' notebook entries.[5]

[9] TransLink made this s. 43 application on July 20, 2026. The respondent then made an additional 10 access requests between July 21, 2026, and August 26, 2026. TransLink provided copies of those additional requests in its final submission for this inquiry on September 3, 2026. All 10 additional requests are also for CCTV footage that captures the respondent over entire bus trips.

[10] TransLink is requesting authorization to disregard the respondent's 12 access requests made between May 25, 2026, and June 25, 2026, as well as any further access requests made by the respondent from the date of its s. 43 application (July 20, 2026) to the date this order.

[11] TransLink submits that the respondent's access requests are vexatious under s. 43(a) and that responding to them would unreasonably interfere with TransLink's operations under s. 43(c)(i).

Section 43

[12] Section 43 allows the Commissioner to grant the extraordinary remedy of limiting an individual's right to access information under FIPPA by authorizing a public body to disregard an access request. The relevant provisions in this case are as follows:

> **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,
>
> …
>
> (c) responding to the request would unreasonably interfere with the operations of
>
> (i) the public body, or
>
> …

[13] Section 43 is remedial, not punitive in nature.[6] Further, as relief under s. 43 restricts an individual's right to access information, the Commissioner will only grant such relief after careful consideration and in exceptional circumstances.[7]

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[5] May 25, 2026, request and both June 25, 2026, requests.
[6] *Crocker v British Columbia (Information and Privacy Commissioner),* 1997 CanLII 4406 (BCSC) at paras 32-33 [*Crocker*].
[7] Order F22-08, 2022 BCIPC 8 at para 29.

[14] I will consider s. 43(a) first.

Section 43(a) – frivolous or vexatious

[15] Requests that are frivolous or vexatious are an abuse of the right to access information under FIPPA. Both frivolous and vexatious requests are made for a purpose other than a genuine desire to access information.[8]

[16] TransLink says that the requests at issue are vexatious.

[17] 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.[9] Past orders have found requests to be vexatious because:

- The purpose of the requests was to pressure the public body into changing a decision or taking an action;[10]
- The respondent was motivated by a desire to harass the public body;[11]
- The intent of the requests was to express displeasure with the public body or to criticize the public body's actions;[12] and
- The requests were intended to be punitive and cause hardship to an employee of a public body.[13]

[18] I will outline the parties' submissions about the respondent's access requests below.

Parties' submissions

[19] TransLink says that the respondent frequently requests access to CCTV footage of himself over entire transit trips from the time he boards a transit vehicle until he disembarks.[14] It explains that the respondent's access requests have increased in volume over the years:

- In 2018, the respondent made 21 access requests.
- In 2019, the respondent made 10 access requests.
- In 2020, the respondent made 18 access requests.
- In 2021, the respondent made 64 access requests.
- In 2022, the respondent made 102 access requests.

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[8] Order F23-37, 2023 BCIPC 44 at para 16.
[9] Auth (s. 43) 02-02 [2002] BCIPCD No 57 at para 27.
[10] Order F13-16, 2013 BCIPC 20 at para 20.
[11] Order F13-18, 2013 BCIPC 25 at para 36.
[12] Order F20-15, 2020 BCIPC 17 at para 33
[13] Order F19-44, 2019 BCIPC 50 at para 33.
[14] Affidavit #1 of Information Access Analyst at para 5.

- In 2023, the respondent made 195 access requests.[15]

[20] In November 2023, TransLink says it applied to the OIPC for relief under s. 43 of FIPPA, which led to Order F24-38, mentioned above. In that order, the adjudicator found that the respondent's outstanding requests in that case were vexatious and authorized TransLink to disregard all of his outstanding requests and to disregard, for a period of two years, all access requests made by the respondent over and above a single open access request at a time.

[21] TransLink points me to the following paragraphs of Order F24-38:

> [20] It has become evident from the volume and subject matter of the requests, as well as the accompanying commentary from the applicant, that his primary concern is for TransLink to ensure that its drivers treat him better. He wants the drivers to show him courtesy and respect, which he asserts that they are not doing. Particularly, he wants them to deploy the ramp on the bus to make it easier for him to board and for them to do so promptly without any resistance or complaint. A large proportion of his requests relates to video recordings of his interactions with drivers about the deployment of the ramp, as well as records of his complaints to TransLink about those drivers.
>
> [21] This leads me to conclude that his access requests form part of a campaign to persuade TransLink to force its drivers to change their behaviour to meet his expectations. Comparing this with the criteria for determining whether requests are vexatious, I note that two of these criteria apply. The first is a clear attempt to press TransLink to take certain actions. The second is that the requests explicitly express displeasure with the public body and criticize its actions.[16]

[22] TransLink says that it is clear from the requests at issue here that the respondent continues to be motivated by his underlying concerns regarding the alleged misconduct of TransLink employees.[17] It says that the requests at issue here are part of the same "campaign to persuade TransLink to force its drivers to change their behaviour to meet his expectations" that the adjudicator in Order F24-38 attributed to the respondent.[18]

[23] In his response submission, the respondent says that he is subjected to abuse and human rights violations by TransLink employees on a daily basis and that the CCTV footage he requested needs to be released in order to hold TransLink accountable and deter bad behaviour.[19]

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[15] Affidavit #1 of Information Access Analyst at paras 7-13.
[16] Order F24-38, 2024 BCIPC 46 at paras 20-21.
[17] TransLink's initial submission at para 78.
[18] *Ibid* at para 84.
[19] Respondent's submission at pp 12-13 and 91.

[24] The respondent also reproduces sections of a research report prepared by the BC Institute of Technology about the usability of boarding ramps in public transportation in BC. He says that his experiences with TransLink are reflected in that report.[20]

[25] TransLink says that the respondent's submission further demonstrates that his requests are vexatious.

Analysis and findings

[26] For the reasons that follow, I find that the requests at issue are vexatious under s. 43(a).

[27] First, I accept that all of the requests before me are for CCTV footage of the respondent over entire bus trips (including three multi-part requests for dashcam, bodycam, and other related records in addition to the CCTV footage). Based on the requests themselves and the respondent's submissions in this inquiry, I am satisfied that most of the requests are about interactions the respondent had with TransLink bus drivers about the deployment of the ramp. For instance, in one of his May 29, 2026, requests he says:

> …it looked like the driver was taking directives from the East Indian female just outside the front door in his cognition of deploying the ramp.

[28] In another May 29, 2026, request he says:

> Driver who acts unless he is orally advised to deploy the ramp, insists on acting none the wiser. Has been doing this for a very long time.

[29] Regarding his June 2, 2026, request, he says:

> …the bus driver acknowledges my motion for the ramp (I wont bother with the other instances today) and attempts to deploy when it is obvious that the bus stop sign on the pole is in the way. He tells me "he can't" and I advise further ahead, and he states "he cant put it in reverse."…This is a driver I have ridden with for a very long time; he is more than knowledgeable that he could pull ahead and deploy the ramp…

[30] Regarding his June 11, 2026, request, he says:

> Now when I motion to get on, he mutters something. When I proceed to get off, he ignores until he goes into a tirade; Now he knew I would be motioning for the ramp…Yet somehow, for years now – and TransLink simply allowing his antics – he proceeds into monologues where it is implied he somehow knows my medical and health…

[20] *Ibid* at pp 5 and 44-87.

[31] In his June 25, 2026, request, the respondent says:

> …I did not appreciate another instance of being advised of an imaginary Translink policy for bus ramp deployment, the intimidation I experienced, the entrapment, and implied threat to my life, nor being dumped on Main Street after 4am…

[32] In his July 21, 2026, request, the respondent says:

> Now upon motioning for the ramp at Yaletown, the driver gets frustrated – you can see it in his facial expressions, tone, and his arm and hand movements towards accessing the switches, and repeats many time out loud… "VIP getting on…"

[33] In his July 22, 2026, request, the respondent says:

> …I don't get up each morning expecting the bus driver to
> - Intimidate me through making up a policy of "what the bus ramp is used for"
> - Harass me time and again in front of a bus load of passengers, grooming public perception…
> - Belittle me into what my capabilities are as if they are up for debate and the driver entitled to that information
> - Violate any sense of privacy I have and through repeated interactions…
> - Close the doors and drive off without picking me up…

[34] In his July 28, 2026, request, he says:

> Driver seems to ignore my hand motions to get his attention to deploy the ramp…See what the driver's head is doing when I am motioning; see what his eyes are doing and where they are looking…I am being subject to such treatment daily…

[35] In his August 11, 2026, request, he says:

> Tell me he is not showing his displeasure at deploying the ramp by having it stop 20-30cms off [the] sidewalk…tell me he is not targeting me. Tell me that many instances in one day is a coincidence, and I am not even going to bother submitting any more foi's for the rest: relish the fact you have worn me down over the decades…

[36] In his August 16, 2026, request, he says:

> …I walk up to the red line with ample time for the driver to notice me, and when he arrives at the stop, I also motion for the ramp…[as] he deploys and I walk past him he states "I know you can talk..[pause]..right?

[37] Further, two of the requests are for CCTV footage of interactions that do not appear to involve the ramp, but where the respondent evidently feels he was otherwise treated with disrespect by TransLink employees. Specifically, regarding a request he made on May 29, 2026, which he forwarded to the Parole Board of Canada, he says:

> …perhaps the Parole Board might want to get a copy of the CCTV footage for this interaction as well. For decades, drivers have been using this one-liner ("I remember you…the police attended") as a form of intimidation and discrimination, especially geared towards those that have received a pardon and challenges the very foundation of what a pardon is and its purpose.

[38] Also, in his June 5, 2026, access request, he says:

> …[the bus driver] insisted that I was somehow "hindering" him from seeing the side of the bus upon disembarking.

[39] Two other requests are for CCTV footage of interactions he had with other passengers where he says he experienced harassment and asks TransLink to do something about the issues he is having with other passengers.[21]

[40] I can see from the respondent's submissions in this inquiry that he forwarded or copied most of the requests at issue to the Premier of BC, the Prime Minister of Canada, and various other government and UN-affiliated email addresses.

[41] I agree with the adjudicator's reasons and findings in Order F24-38, and I find that the access requests and circumstances in that order are very similar to those at issue in this case. I reach the same conclusion as the adjudicator in Order F24-38: the respondent's primary concern is for TransLink employees to treat him with courtesy and respect. Most of all, he wants them to deploy the ramp for him promptly and without resistance. In my view, the nature and history of the respondent's requests as well as the commentary he provides in his submission for this inquiry (including his discussion of the research report about the use of boarding ramps) support this finding.

[42] I am not convinced that the respondent's motivation for making these requests is, as he says, to "document" and hold TransLink accountable. The respondent does not explain how he plans to use the requested information to hold TransLink accountable, nor does he explain how he has used the information he has been given access to in the past in pursuit of this goal. In my view, the respondent's history of making these kinds of requests and the nature and pattern of his requests strongly suggest that he is using the FIPPA access

[21] June 5, 2026, request and August 15, 2026, request.

process as a way to complain about his experiences with TransLink. In particular, I find the following factors support this finding:

- The respondent submits his access requests shortly after he has an unpleasant interaction involving TransLink and often makes multiple requests in quick succession.
- The respondent's access requests are for CCTV footage of those interactions.
- The respondent copies or forwards his access requests to numerous outside parties.
- The respondent explicitly criticizes TransLink and its employees in his access requests or in emails where he forwards his access requests to other parties.
- The respondent has been making these types of requests for at least several years.

[43] For those reasons, I am satisfied that the requests at issue here are vexatious under s. 43(a).

[44] Given this finding, I have decided that it is not necessary for me to determine whether s. 43(c)(i) also applies, so I decline to do so.[22]

Appropriate remedy

[45] Section 43(a) gives the Commissioner or their delegate the discretion to authorize a public body to disregard requests that are frivolous or vexatious. The Commissioner also 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.[23] Any remedy under s. 43 must be proportional to the harm inflicted and must bear in mind the objectives of s. 43, which in this case is to avoid requests that are frivolous or vexatious.[24]

[46] In this case, TransLink is requesting the following relief:

1. Authorization to disregard the respondent's outstanding requests, specifically, the 12 requests made between May 25, 2026, and June 25, 2026, as well as the 10 requests made between July 21, 2026, and August 26, 2026.
2. Authorization to disregard any further access requests made by the respondent from the date of its s. 43 application to the date of this order.

[22] In some cases, it may be necessary to consider all of the s. 43 grounds claimed by the public body in order to decide the appropriate remedy. However, I find it is not necessary here.
[23] *Crocker, supra* note 6 at paras 40-41.
[24] *Ibid* at para 45; Order F22-61, 2022 BCIPC 69 at para 57.

3. Authorization to disregard all access requests made by the respondent over and above a single access request at a time for a period of three years from the date of this order.

[47] I will consider each requested form of relief in turn below.

The outstanding requests

[48] I find it is appropriate to authorize TransLink to disregard the respondent's 12 requests made between May 25, 2026, and June 25, 2026, as well as the 10 requests made between July 21, 2026, and August 26, 2026, because I find that all of these requests are vexatious under s. 43(a).[25]

Further requests made before the date of this order

[49] TransLink has also requested authorization to disregard any further requests made by the respondent between the date of its s. 43 application on July 20, 2026, and the date of this order.

[50] As discussed above, TransLink provided me with copies of 10 further requests made by the respondent between July 21, 2026, and August 26, 2026, which I found above are vexatious and for which I granted TransLink relief under s. 43. I do not have copies of any further requests made by the respondent after August 26, 2026, if there are any. Accordingly, I have not examined any such requests to determine if they are vexatious. However, for the following reasons, I find it is appropriate to authorize TransLink to disregard any such requests in this case.

[51] The respondent has a multi-year history of making vexatious requests and he persistently made at least 10 more vexatious requests after TransLink made this s. 43 application. In my view, this is a sufficient basis for me to conclude that any further requests made by the respondent up until the date of this order would most likely be vexatious.

[52] I note that it is open to me to contact the parties and request copies of any further requests made by the respondent to determine whether they are vexatious. However, given the volume and frequency of the respondent's requests, asking for copies of every new request he makes could prolong this matter indefinitely. In my view, that would be an inefficient use of the OIPC's

[25] Because s. 43 is discretionary, it is open to an adjudicator to find that no relief is appropriate even where one of the grounds under s. 43 technically applies to an access request. However, prior orders that have considered this have generally held that in the usual case it is appropriate, at a minimum, to authorize a public body to disregard access requests to which s. 43 applies: See, for example, Order F26-50, 2026 BCIPC 62 at paras 64-72, upheld on judicial review in *Burgoyne v British Columbia (Information and Privacy Commissioner)*, 2026 BCSC 2123.

resources and would not help to alleviate the administrative hardship on TransLink.[26]

[53] Finally, I note that TransLink clearly stated in its s. 43 application, which was provided to the respondent, that it was seeking authorization to disregard any additional requests made by the respondent between the date of its s. 43 application and the date of any order made regarding the application. I find the respondent had appropriate notice that any additional requests made after TransLink's application would be included in the application and subject to an order under s. 43. Therefore, I am satisfied that it would not be procedurally unfair in this case to provide the relief TransLink is requesting.

[54] To conclude, TransLink is authorized to disregard any additional requests made by the respondent between August 26, 2026, and the date of this order.[27]

Future requests

[55] TransLink is also requesting authorization to disregard all access requests from the respondent over and above a single access request at a time for a three-year period.

[56] In Order F24-38, the adjudicator granted TransLink permission to disregard all access requests from the respondent over and above a single access request at a time for a period of two years. After that two-year period ended in May 2026, the respondent promptly resumed making vexatious requests on a frequent basis. Considering the respondent's history, I have no trouble finding that he will likely continue to make vexatious requests. I find that it is appropriate to grant TransLink's request and extend the period of relief to three years.

CONCLUSION

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

1. TransLink is authorized to disregard the 12 access requests made by the respondent between May 25, 2026, and June 25, 2026, as well as the 10

[26] In *Crocker*, *supra* note 6 at para 44, the BC Supreme Court said that s. 43 is designed to alleviate administrative hardship.

[27] Previous OIPC orders have also provided s. 43 relief for any requests made between the time of a public body's application under s. 43 and the resulting decision: see Decision F06-12, 2006 CanLII 42644 (BCIPC) at para 46; Decision F09-04, 2009 CanLII 42411 (BCIPC) at para 35; Decision F10-11, 2010 BCIPC 51 at para 40; and Decision F11-03, 2011 BCIPC 82435 at para 25; and Order F24-38, 2024 BCIPC 46 at para 32.

access requests made by the respondent between July 21, 2026, and August 26, 2026.

2. TransLink is authorized to disregard any additional access requests made by the respondent between August 26, 2026, and the date of this order.

3. For a period of three years from the date of this order, TransLink is authorized to disregard any access request made by, or on behalf of, the respondent over and above one open access request at a time. An "open access request" is a request for records under s. 5 of FIPPA to which TransLink has not yet responded under s. 8 of FIPPA.

November 18, 2026

ORIGINAL SIGNED BY

Emily Kraft, Adjudicator

OIPC File No.: F26-02346