

**In the Case of an Application for Authorization to Disregard Requests from [two Respondents] under Section 43 of the *Freedom of Information and Protection of Privacy Act* (the Act) by B.C. Transit Corporation**

I have had the opportunity of reviewing this application under section 43 of the *Freedom of Information and Protection of Privacy Act* (the Act) for authorization to disregard section 5 requests made by [two respondents], who are both employees of B.C. Transit Corporation.

Section 43 gives me the power to authorize a public body to disregard requests under section 5 that, because of their repetitious or systematic nature, would unreasonably interfere with the operations of the public body, in this case the B.C. Transit Corporation.

Since the purpose of the Act is to make government bodies more accountable to the public by giving the public a right of access to records, authorization to disregard requests must be given sparingly and only in obviously meritorious cases. Granting section 43 requests should be the exception to the rule and not a routine option for public bodies to avoid their obligations under the legislation.

Based on a detailed review of the submissions of B.C. Transit and the reply submission of [the two respondents], the following factors have led me to decide that [the two respondents]'s access requests are repetitious, systematic, and unreasonably interfere with the operations of B.C. Transit in relation to both its Information and Privacy Office and its Customer Service operations:

1. B.C. Transit received 227 formal access requests under the Act between October 4, 1993 and June 13, 1996. [The two respondents] have been responsible for over one quarter of this total (58 requests). Seventeen of these requests were received during the sixty day period before June 13, 1996, when the head of B.C. Transit formally applied for a section 43 ruling. [The two respondents] accounted for 63 percent of all access requests to B.C. Transit during this sixty-day period.
2. The evidence submitted by B.C. Transit that [the two respondents] act in concert with respect to their access requests.
3. The evidence submitted by B.C. Transit that its Director of Information and Privacy is the only full-time employee dedicated to access and privacy activities, including promoting openness, applying fair information practices, and actively participating in ongoing policy development related to access and privacy matters.
4. The evidence submitted by B.C. Transit that the requests made by [the two respondents] have had a significant negative impact on the operations of its Information and Privacy Office and significantly and unreasonably interfered with its Director's discharge of his access and privacy duties under the Act.
5. The evidence submitted by B.C. Transit that the requests made by [the two respondents] have had a significant negative impact on the operations of its Customer Service Department, which is responsible for running buses and other transit operations, the core of B.C. Transit's public mandate.
6. The submission of B.C. Transit that the requests made by [the two respondents] have the

effect of using the Act as a weapon of information warfare, which has the consequence of undermining its legitimacy amongst the managers and other employees whose cooperation is required in order for its access and privacy regime to work properly.

7. The submission of B.C. Transit that the intention of the powers conferred upon the Commissioner under section 43 of the Act is remedial: "they are intended to allow the Commissioner considerable discretion in ensuring the access rights granted by the Act are not abused to the detriment of other access requesters or in a way that unreasonably interferes with the public interest in efficient public body administration."

**Therefore, I authorize B.C. Transit to disregard all requests for access from either [of the two respondents] for a period of one year from and after June 13, 1996. After the year has elapsed, B.C. Transit is required to deal with only one request at any given time from, or on behalf of, each of the aforementioned persons for the period ending June 13, 1998.**

October 31, 1996  
David H. Flaherty  
Commissioner