



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
— for —
British Columbia

Decision F08-03

**THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 34
(ABBOTSFORD)**

Catherine Boies Parker, Adjudicator

February 27, 2008

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Summary: The School District requested authorization to disregard requests made by the respondent or others acting on the respondent's behalf. The School District has not met its burden to demonstrate that, for the purposes of s. 43, the requests are frivolous or vexatious or repetitive and systematic.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, ss. 43(a) and 43(b).

Authorities Considered: **B.C.:** Auth. (s. 43) 02-01, [2002] B.C.I.P.C.D. No. 47; Auth. (s. 43) 02-02, [2002] B.C.I.P.C.D. No. 57; Auth. (s. 43) 03-01, [2003] B.C.I.P.C.D. No. 42; Auth. (s. 43) 04-01 [2004] B.C.I.P.C.D. No. 26; Decision F05-01, [2005] B.C.I.P.C.D. No. 4; Decision F06-12, [2006] B.C.I.P.C.D. No. 38; Decision F07-08, [2007] B.C.I.P.C.D. No. 28.

1.0 INTRODUCTION

[1] The Board of Education of School District No. 34 (Abbotsford) ("School District") has requested authority, under s. 43 of the *Freedom of Information and Protection of Privacy Act* ("FIPPA"), to disregard certain outstanding access requests from the respondent and others who the School District says are acting on the respondent's behalf. In addition, the School District requests authorization to disregard future requests from the respondent or anyone acting on the respondent's behalf for a period of two years from the date of the decision on the s. 43 application and, after that time, to disregard requests from the respondent or someone acting on the respondent's behalf which meet certain specified criteria.

2.0 ISSUE

[2] The issue before me in this case is whether I should, under s. 43 of FIPPA, authorize the School District to disregard certain access requests from the respondent and others on the basis that those requests are frivolous and vexatious or on the basis that, because of their systematic or repetitious nature, complying with the requests would unreasonably interfere with the School District's operations. Previous cases have established that the School District has the burden of proof in such cases.

3.0 DISCUSSION

Background

[3] **3.1 Factual Context**—The respondent has two children who attended various schools in the School District. Both children have graduated from high school and no longer attend any school in the School District.¹ In 2001, one of the respondent's children was taught by a certain teacher on call ("TOC"). The respondent asserts that the TOC made a number of offensive comments in class and to the respondent's daughter.²

[4] The Vice Principal of the respondent's daughter's school wrote a letter dated September 17, 2002 ("Vice Principal's Letter") in which he indicated that the respondent's daughter's anticipated absence from school to go on a trip with her mother would not harm her academic progress.³ The respondent had been granted joint custody of his children with his ex-wife and the custody order stated that the primary residence of the children will be with the respondent.⁴

[5] The respondent complained to the Principal of his daughter's school ("Principal") about the comments made by the TOC and was told that there would be an investigation.⁵ He also complained to the Principal and to the BC College of Teachers ("College") about the Vice Principal's Letter.⁶

[6] On April 22, 2003, the respondent wrote a letter to Christy Clark ("Clark Letter"), who was the Minister of Education at the time.⁷ The respondent complained about a variety of issues, including the Vice Principal's Letter, and the fact that he had had many problems with the schools over the years because it was assumed that, since he was the father, he did not have custody of his

¹ School District's initial submission, para. 27.

² There is some disagreement about the nature of these comments. The School District's description of these comments, set out at para. 29 of its initial submission, is more consistent with the report of the incident made by the Respondent's daughter, attached as Exhibit "G" to the Affidavit of the FOIPPA Co-ordinator, than is the description set out by the respondent at paras. 18 and 19 of his initial submissions.

³ School District's initial submission, para. 33, FOIPPA Co-ordinator's affidavit, Exhibit "A".

⁴ School District's initial submission, para. 32.

⁵ FOIPPA Co-ordinator's affidavit, Exhibit "A".

⁶ FOIPPA Co-ordinator's affidavit, para. 5, Exhibits "A", "H" and "K".

⁷ FOIPPA Co-ordinator's affidavit, Exhibit "H".

children. He also stated that the TOC had slandered him in class and made inappropriate remarks about the physical appearance of a girl in the respondent's daughter's class. The respondent stated that he had been told to contact a specific person at the School District about his complaint regarding the TOC. The respondent stated that he phoned twice and left a message but that his calls were not returned. He stated that he was told that the "teacher would never work in this school district again." The respondent went on to say:

Shouldn't someone have apologized to me and to the other girl who was involved? Is this teacher working in another school district? Maybe the police should be advised.

[7] The respondent asked for apologies from the Vice Principal about his letter and from someone in the District regarding the TOC's action. He suggested that, if he did not receive assistance from the Minister, he would "start a law suit." Apparently, the letter was never answered.

[8] The College cancelled the TOC's teaching licence in 2004.⁸ There were media reports that the TOC had at least three cases against him for "inappropriate sexual misconduct."⁹ The news reports stated that, although the TOC had been disciplined in the past, that discipline had not been reported to the College, despite reporting requirements in the *School Act*. According to the media reports, the School District originally stated that the inappropriate actions of the TOC were "new information". However, it was later reported that the School District had disclosed it had disciplined the TOC but did not notify the College. The article stated that, at the time, school staff determined the behaviour for which the TOC was disciplined was "not serious enough" to bring to the attention of the School District trustees or the College.

[9] The respondent sent emails to a number of public officials to complain about how the elected board of the School District ("School Board") had handled his complaint regarding the TOC. This resulted in the now former Chair of the School Board bringing a defamation action against the respondent.¹⁰ Media reports suggest that the respondent accused the former Chair of protecting child molesters and state that the defamation action alleges that the respondent engaged in a "persistent and systematic campaign" to discredit the former Chair. According to media reports, the statement of claim in the defamation suit was filed in June 2006. The lawsuit against the respondent was the subject of media reports until at least February 2007.

[10] The respondent has apparently made complaints to the College regarding a number of administrators and former administrative staff of the School District with respect to their dealings with the TOC.¹¹ The respondent has also made

⁸ School District's initial submission, para. 35; attachments to respondent's initial submission.

⁹ Attachments to the respondent's initial submission.

¹⁰ School District's initial submission, paras. 37-38; FOIPPA Co-ordinator's affidavit, para. 11; attachments to respondent's initial submission.

¹¹ FOIPPA Co-ordinator's affidavit, para. 34.

a complaint about the School Board and the School District to the Abbotsford Police Department. The Abbotsford Police Department wrote to the respondent stating that his allegations against the TOC, the School District and School Board had been thoroughly investigated.¹² The letter stated that, with respect to the School Board and the School District, there is no evidence of any person having committed any criminal or provincial offence in the execution of their duties with regard to the TOC. The letter stated that, with respect to the TOC, former students, including the respondent's daughter, were interviewed and that no victims of sexual exploitation or sexual assault were identified.

[11] **3.2 History of the Respondent's Access Requests**—The respondent sent an email to the School Board on March 14, 2006, setting out 14 requests for information.¹³ The School District responded by letter on April 6, 2006, appending four school board policies, all of which are available on line.¹⁴ By a letter of May 18, 2006, the School District responded to the remainder of the requests.¹⁵ Six of these responses consisted of statements that the information which had been requested was personal information of a third party. The letter stated, six times, that “pursuant to s. 22(3) of the Freedom of Information Act, this information cannot be released to you without a written authorization signed by the third parties.” One of these references to s. 22(3) was in response to the respondent's request for a copy of the statement made by the respondent's daughter to her principal regarding the TOC. The School District stated that the information could not be released without the authorization of the respondent's daughter and the TOC.

[12] One of the responses stated that the information requested was subject to solicitor-client privilege. Two of the responses were simply “yes”, by which the School District confirmed that it had a copy of the custody order regarding the respondent's children, and that a certain individual had previously acted for the School District. The respondent had asked for information regarding the Vice Principal's Letter, to which the response was: “Unknown - no record”. The School District provided only one record with the May 18, 2006 response—a list of the names of School District trustees in 2001 and the addresses which they declared before their election. The School District's FOIPPA Co-ordinator has deposed that it took 4.25 hours to process this request.¹⁶

[13] The respondent sent an email dated May 23, 2006, which included an additional request, from the respondent's daughter, for information regarding the incident with the TOC in the daughter's class.¹⁷ The School District responded on June 26, 2006, stating that it was delivering all the documents which could

¹² FOIPPA Co-ordinator's affidavit, para. 36 and Exhibit “Q”.

¹³ FOIPPA Co-ordinator's affidavit, para. 12, Exhibit “A”.

¹⁴ FOIPPA Co-ordinator's affidavit, para.13, Exhibit “B”.

¹⁵ FOIPPA Co-ordinator's affidavit, para. 15, Exhibit “D”.

¹⁶ FOIPPA Co-ordinator's affidavit, para. 17.

¹⁷ FOIPPA Co-ordinator's affidavit, paras. 16-18, Exhibit “F”.

be located “on this matter”.¹⁸ This consisted of two pages of documents: a one-page handwritten statement, presumably created by the respondent’s daughter, and a one-page letter dated November 1, 2001 from the principal to a person whose name was withheld, stating that the School Board intended to conduct an investigation. The June 26, 2006 letter, asked for “further clarification” regarding one item of the respondent daughter’s request. The School District’s FOIPPA Co-ordinator stated that this request took 2.25 hours to process.¹⁹

[14] The respondent submitted another access request in July 2006.²⁰ This request included nine questions. The FOIPPA Co-ordinator for the School District responded on July 26, 2006.²¹ Four of the responses were confirmations that certain policies did not exist. The response confirmed the receipt of the Clark Letter and stated that the School District required more time to answer a question related to who had received a copy of the Clark Letter. The response advised that three of the requests were not for access to records and so were outside the scope of FIPPA.

[15] On September 15, 2006, the School District provided the additional information requested in July, stating that the Principal had received a copy of the Clark Letter.²² This response stated that the FOIPPA Co-ordinator was unable to confirm that the Superintendent in April 2003 or the School Board’s Chair in 2003 had received the Clark Letter. The FOIPPA Co-ordinator deposed that the response to the July request took three hours.²³

[16] **3.3 The Outstanding Requests**—The School District applied under s. 43 to disregard a request from the respondent dated August 14, 2006. It has also added to its application a request for authorization to disregard a request of January 11, 2007, that the respondent’s mother subsequently made and a request of January 18, 2007, the respondent made to the Ministry of Education and which the Ministry transferred to the School District.

August 14, 2006 request

[17] The August 14, 2006 request consisted of six questions.²⁴ Three of these are requests for general information. They are:

How many teachers, excluding the On Call teacher, were not reported to the College of Teachers since February 2000?

Did TOCs have access to student’s addresses, phone numbers, birthdates, email addresses etc when they were teaching a class?

¹⁸ FOIPPA Co-ordinator’s affidavit, Exhibit “G”.

¹⁹ FOIPPA Co-ordinator’s affidavit, para. 21.

²⁰ FOIPPA Co-ordinator’s affidavit, para. 22, Exhibit “H”.

²¹ FOIPPA Co-ordinator’s affidavit, para. 23, Exhibit “I”.

²² FOIPPA Co-ordinator’s affidavit, Exhibit “J”.

²³ FOIPPA Co-ordinator’s affidavit, para. 25.

²⁴ FOIPPA Co-ordinator’s affidavit, para. 26, Exhibit “K”.

Was this information kept in a class room?

[18] The respondent also asked for “all policies regarding the district reporting disciplinary actions to the board.” This request was prefaced by a quote from the School Board Chair’s statement in the media that “the board only becomes involved if there is an appeal of a decision” and the respondent then asserting that the *School Act* “says the board must report all disciplinary actions to the College of Teachers.”

[19] The request stated that, in the School District’s May 18, 2006 response to the respondent’s previous access request, the School District stated that it had no information about the Vice Principal’s Letter. The respondent then referred to a letter from the College, which was attached to the access request. This letter, dated July 25, 2006, said that the facts and circumstances of the Vice Principal’s Letter had been appropriately canvassed and reviewed during the school board process and that, accordingly, the College would not be referring the complaint to the Preliminary Investigation Subcommittee for the purposes of a preliminary investigation. The respondent then asked for information about any action taken.

[20] The respondent also requested any correspondence related to the Clark Letter, particularly, but not limited to, that involving the Ministry of Education.

Ministry of Education request

[21] The respondent made a request to the Ministry of Education asking for correspondence with the Abbotsford School District regarding the Clark letter.²⁵ The request also asked for “all board minutes and who attended School District 34 meetings” regarding a number of letters which are identified in the request. Two of these letters are to the TOC, one from a school principal in 1997 and one from the Superintendent of Schools for the School District in 1995. Both relate to inappropriate actions by the TOC which resulted in discipline. The third letter is to the President of the Abbotsford District Teachers’ Association from the director of staffing of the School District regarding the TOC. This letter is dated January 12, 2000 and involves another incident of improper behaviour by the TOC and the resulting discipline.

The respondent’s mother’s request

[22] On January 11, 2007, the respondent’s mother made an access request to the School District.²⁶ This request repeated the one made to the Ministry of Education by the respondent with respect to “all board minutes and which board members attended meetings” regarding the same three letters. It also asked for the minutes of the Board meeting mentioned in another letter from a school principal to the TOC.

²⁵ FOIPPA Co-ordinator’s affidavit, para. 31, Exhibit “P”.

²⁶ FOIPPA Co-ordinator’s affidavit, para. 29, Exhibit “M”.

[23] The respondent stated that this request was made by his mother independently of him.²⁷ However, he stated in his submission that he would like his name substituted for his mother's "as she is currently in hospital and is probably going to be moved to a long term care facility and cannot defend herself."²⁸

[24] **3.4 Preliminary Matters**—Two preliminary matters arise in this case. The first concerns additional submissions. After the close of submissions, the respondent forwarded to this Office additional correspondence, attaching a Statement of Agreed Facts and Disposition regarding the TOC. The nature and origin of this document are not entirely clear. The School District objected to this additional submission and asserted that, if this further document was considered, it should be given an opportunity to respond. I have not found it necessary to consider the respondent's additional correspondence and so I need not deal with the School District's objection.

[25] A second preliminary matter is whether the access requests by the respondent's daughter and mother are properly considered as part of this application. As noted above, the School District has asked me to take into account a previous access request made by the respondent's daughter and to include in an order under s. 43 the access request made by the respondent's mother. Given my disposition of the School District's application, it is not necessary for me to decide whether the School District has demonstrated that it is appropriate to attribute these requests to the respondent.

[26] **3.5 Analysis**—Section 43 provides:

If the head of a public body asks, the Commissioner may authorize the public body to disregard requests under s. 5 or 29 that

- (a) would unreasonably interfere with the operations of the public body because of the repetitious or systematic nature of the requests, or
- (b) are frivolous or vexatious.

[27] Section 43 relief is available for access requests made under s. 5 of FIPPA. It does not apply to questions asked of a public body, to everyday client relations, to requests outside FIPPA for information or for routinely available records.²⁹

[28] Numerous cases have discussed the principles which govern requests made under s. 43.³⁰ I have applied, without repeating them, the principles set out in those cases.

²⁷ Respondent's initial submission, para. 36.

²⁸ Respondent's initial submission, para. 61.

²⁹ See Decision F07-08, [2007] B.C.I.P.C.D. No. 28, para. 10.

³⁰ On s. 43(a), see Auth. (s.43) 02-01, [2002] B.C.I.P.C.D. No. 47. On s. 43(b), see Auth. (s.43) 02-02, [2002] B.C.I.P.C.D. No. 57; Decision F07-08, [2007] B.C.P.I.C.D. No. 28. Decisions which discuss both sections include Auth. (s.43) 03-01, [2003] B.C.I.P.C.D. No. 42; Auth. (s. 43) 04-01

The School District's position

[29] The School District asserted that the respondent's requests are frivolous or vexatious, or both, in that they are "without merit and with intent to annoy, harass, embarrass or cause discomfort."³¹ The School District stated that the respondent has engaged in a pattern of conduct that amounts to an abuse of rights under FIPPA. The School District asserted that the requests are repetitive and that it is clear from their character that many of the requests were submitted for their nuisance value. The School District asserted that "[i]t is clear that the intent to access information is not based on the purpose of seeking access to records, but is an attempt to try to intimidate the School District members into providing the respondent...with the remedies that he is seeking."³²

[30] The School District said that the "respondent's style of intimidation" is evidenced by the fact that he has made complaints about School District administrative staff and that he has made a complaint against the School Board and the School District to the Abbotsford Police Department.³³ The School District alleged that there is an increased frequency of requests and cited as evidence of bad faith the fact that the respondent emailed School Board members, the superintendent and the assistant superintendent, rather than the FOIPPA Co-ordinator, about his requests, and that these emails included derogatory commentary about actions of School Board members.³⁴ The School District stated that, "[t]he peppering of the requests with comments inferring [*sic*] that the Board members were involved in illegal or inappropriate activities evidences a harassing manner." The School District asserts that the harassing nature of the requests is further demonstrated by the fact that the respondent has "no live issue" with it. The School District stated that the fact that the incidents with the respondent's daughter occurred five or six years ago demonstrates "the only real reason for [the respondent] peppering the Board members with these requests is to continually harass the members of the School District and the School Board."³⁵

[31] The School District stated that the respondent "systematically makes requests as to how letters that he has sent to the school district many years ago have been distributed or used within the School District and requests policies and procedures of how the school district carries out its activities." The School District alleged the respondent is "systematically attempting to discover all and any communications that occurred" with respect to the Vice Principal's Letter and the Clark Letter.³⁶

[2004] B.C.I.P.C.D. No. 26; Decision F05-01, [2005] B.C.I.P.C.D. No. 4; Decision F06-12, [2006] B.C.I.P.C.D. No. 38.

³¹ School District's initial submission, para. 53.

³² School District's initial submission, para. 59.

³³ School District's initial submission, para. 61

³⁴ School District's initial submission, paras. 62-63, 67.

³⁵ School District's initial submission, paras. 64-65.

³⁶ School District's initial submission, paras. 70-71.

[32] The School District alleged that the respondent's requests are interfering with its ability to deal with its access to information obligations and have impacted on the FOIPPA Co-ordinator's ability to perform her other role as Executive Assistant.³⁷

[33] The School District asserted that there are twelve requests outstanding, with an estimated time to complete of six hours. The time taken to process the respondent's requests up until October 31, 2006 (including the request by his daughter) was 9.5 hours. The School District stated that the remainder of all requests received by the School District in the 2006 calendar year took four hours and 20 minutes.³⁸

The respondent's position

[34] The respondent did not directly address many of the submissions of the School District on s. 43. However, he did say that he has a number of "live issues" which are related to his access request.³⁹ These include his lobbying of the Ministry of Education to make changes to the reporting requirements of the *School Act*, his concerns that the TOC has never been charged because of the TOC's victims' reluctance to testify, and the respondent's conviction that, if information about the matter is made public, it will increase the chances that something will be done. The respondent also referred to the importance of his daughter knowing that something is being done about her concerns and his efforts to address the discrimination he says single fathers face in the school system.

[35] The respondent suggested that his efforts to address the issue of the TOC's actions and the School District's response may assist future victims of abuse and may reveal that other teachers have not been appropriately disciplined or reported. He suggested that the failure to address these matters may affect statutes of limitations and insurance issues. He noted that his name has been published in numerous newspapers, a result of the litigation with the former Chair of the Board. The respondent asserted that the former Chair has turned the matter into a "national debate", identifying the respondent's daughter.⁴⁰

[36] The respondent made numerous submissions on the applicability of various parts of FIPPA, including s. 25, to the information at issue, and the *Canadian Charter of Rights and Freedoms*.⁴¹ None of those issues is properly before me. The respondent also stated that, once his current requests are

³⁷ School District's initial submission, para. 73, FOIPPA Co-ordinator's affidavit, paras. 32 and 33.

³⁸ FOIPPA Co-ordinator's affidavit, paras. 28 and 32.

³⁹ Respondent's initial submission, para. 34

⁴⁰ Respondent's initial submission, paras. 42-49.

⁴¹ Respondent's initial submission, paras. 2-5, 32, 41, 49, 53-55.

honoured, he believes he will not have any more requests for information under FIPPA.⁴²

Findings - Section 43(b)

[37] In my view, the respondent has a legitimate interest in the matters regarding which he has sought information. The question of what action, if any, was taken in response to the Clark Letter, is at the heart of both his concern about the Board's accountability and the allegations which are involved in the lawsuit brought against him. His questions regarding the Vice Principal's Letter also seem to be based on a legitimate question as to whether his concerns were ever addressed. When he wrote to the College, he was told it would not investigate as the School Board process had addressed the matter. But his requests to the School District regarding what was done appear to have provided him with very little information.

[38] The fact that the incidents of concern to the respondent occurred some years ago is not sufficient to render his interest in them frivolous or vexatious. In any case, it is clear that the recent litigation would make the sufficiency of the School District's past responses to the respondent's stated concerns of immediate relevance to him.

[39] The fact that the respondent discussed the School District's responses to his access requests in his correspondence with School Board members does not mean that the inquiries themselves are harassing or intimidating. It is clear that the respondent's interactions with the School District involve much more than the access requests. I appreciate that relations between the respondent and the School District appear to be extremely strained and that some of the respondent's actions, such as laying a complaint against the School District with the police, may have caused the School District and its employees much inconvenience and even distress. The tone and content of the respondent's submissions confirm that his comments are often inflammatory and may well include elements of exaggeration. Nevertheless, the respondent has a statutory right to utilize FIPPA to obtain records the School District holds and that right is not compromised by the fact that he may cause difficulties for the School District in a variety of ways.

[40] It is also understandable that the respondent might express some dissatisfaction with the School Board's response to his access requests. The totality of the response to the first request was a number of routinely available School District policies, a few very brief answers and numerous statements that the information requested could not be released because it contained personal information of third parties or was subject to solicitor-client privilege.

⁴² Respondent's initial submission, para. 50.

[41] I note that s. 22 of FIPPA does not provide that the personal information of third parties cannot be disclosed except with the consent of those third parties, as suggested by the School District's response to the respondent's April 6, 2006 request. Rather, it provides that a public body must refuse to disclose personal information if its disclosure would constitute an unreasonable invasion of the personal privacy of third parties. The School District did not assert that it had determined that the release of the information requested would constitute an unreasonable invasion of the third party's privacy, although it may have made that assessment. If it did so, the School District should have made that clear in its response.

[42] The fact that the respondent makes statements about the School District or the School Board's behaviour in the context of his access requests does not mean the information requests themselves are frivolous or vexatious. I find that the School District has not met its burden under s. 43(b).

Findings - Section 43(a)

[43] The School District also asserted it is entitled to relief under s. 43(a) on the basis that the respondent's requests are both repetitive and systematic. The School District argued that the respondent has made "numerous requests for the same, related issues" through the various requests, including those made by his daughter and his mother.

[44] I do not find that the respondent's requests are repetitive in the sense that he asks repeatedly for the same information when there is no reason to believe that the response of the public body will be any different. It is true that the single request made by the respondent's daughter asked for a record which the respondent had already requested. However, this was after the respondent was denied access on the basis that the daughter was required to consent to the release of the information.

[45] The respondent asked in his first request for any information regarding the Vice Principal's Letter. He was told there was no record. After receiving that response, he received the letter from the College stating that the facts and circumstances of the case had been canvassed by the School Board process. In those circumstances, it was reasonable for the respondent to renew his request for information from the School District.

[46] The respondent asked both the Ministry of Education and the School District for correspondence relating to the Clark Letter. The fact that the respondent requested documents from two different bodies that may be in possession of them does not render his requests repetitive in relation to one of them.

[47] I also do not find that the respondent's requests are "systematic". I agree with the School District that the respondent is trying to "discover all and any communications that occurred" with respect to the concerns he raised in the

Clark Letter. But it appears that he is simply trying to determine if anything was ever done, by anyone, in response to the concerns which he raised. The fact that his inquiry is comprehensive does not, in itself, render it “systematic”. There is simply no indication that the respondent is systematically seeking to require the School District to produce large quantities or a wide variety of records.

[48] I find that the School District has not met its burden to show that the respondent’s requests are repetitive or systematic. Given this finding, it is not strictly necessary to consider whether complying with the requests would “unreasonably interfere with the operations” of the School District. However, I will make a number of comments in that regard.

[49] Thus far, it appears that the School District has responded to the entirety of the respondent’s requests with only the following records: policies which are routinely available and a list of trustees in office from December 1999-November 30, 2002, a record which I also assume would be routinely available. The respondent’s daughter’s request generated only two one-page documents. While the School District asserted that these access requests together required 9.25 hours to process, it is not obvious that the requests required a particularly extensive or complex search. The School District has not described the search in any detail or explained why it would have taken as long as it says it did. Given how little information has been disclosed, it is difficult to understand the School District’s assertion that “the School District must spend additional time sorting through each new request to understand what is being requested and whether it has been previously provided.”⁴³

[50] The School District stated that there are 12 requests outstanding, and estimated that its responses will take 6 hours to complete. As outlined above, the August 14, 2006 request includes three requests, not for records, but for information. Section 43 relief is not available for these types of requests. This request also asked for board policies. It appears that the Board’s policies are routinely made available to the public. It is difficult, to say the least, to see how disclosing these would interfere with the School District’s operations, much less interfere unreasonably with them, as required by s. 43.

[51] The remaining outstanding requests consist of:

- Board minutes and records of who attended School Board meetings relating to the three identified letters,
- Minutes of one additional board meeting,
- Correspondence relating to the Clark Letter, and
- Information relating to the Vice Principal’s Letter.

⁴³ School District’s initial submission para. 72.

[52] I am not persuaded that requiring the School District to respond to these requests would unreasonably interfere with its operations.

4.0 CONCLUSION

[53] For the reasons given above, the School District's request for authorization under s. 43 is denied.

February 27, 2008

ORIGINAL SIGNED BY

Catherine Boies Parker
Adjudicator

OIPC File No. F06-29875