



Order F21-06

BC CORONERS'S SERVICE

Celia Francis
Adjudicator

February 10, 2021

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Summary: An applicant requested sections of autopsy reports related to four Vancouver addresses, for the period 2002-2018, showing if the BC Coroners Service (BCCS) conducted specified tests. The BCCS withheld the 18 reports in question under s. 22(1) of the *Freedom of Information and Protection of Privacy Act* (unreasonable invasion of third-party privacy). The adjudicator found that the reports do not contain the requested information and that they are therefore not responsive to the request. There was no need to conduct the s. 22(1) analysis or issue an order.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, N/A.

INTRODUCTION

[1] This order concerns autopsy reports in the hands of the BC Coroners Service (BCCS). The applicant made a request in March 2019 to the BCCS under the *Freedom of Information and Protection of Privacy Act* (FIPPA) for records related to four named addresses in Vancouver, for various date ranges, concerning five specified types of information:

- a) The dates of pick ups by the ambulance service? and subsequent move for autopsy to the B.C. Coroner's Office of deceased persons.
- b) For each of the above, the duration (est. hrs) they were deceased before being picked up.
- c) A copy of the each section of the autopsy report showing if/ and exams or tests were done for foodborne illnesses, either from consumption or coming into contact with bacteria or toxins
- d) A copy of the sections which show if they were tested for E coli and what the levels were.
- e) A copy of the sections which show if any avian, dog, or other related diseases were present.

[2] The BCCS informed the applicant, soon after, that it had transferred part of the request to the Provincial Health Services Authority (PHSA).¹ Any response the PHSA made to this part of the request is not at issue in this inquiry.

[3] The BCCS later responded to the rest of the request by denying access to the reports in their entirety under s. 22(1) of FIPPA (unreasonable invasion of third-party privacy). The applicant asked that the Office of the Information and Privacy Commissioner (OIPC) review the BCCS's decision to deny him access to the records.

[4] Mediation by the OIPC resolved item (b). The issues related to items (c) to (e) of the request proceeded to inquiry.

ISSUE

[5] The notice for this inquiry states that the issue to be decided is whether the BCCS is required to withhold information under s. 22(1).

[6] Under s. 57(2) of FIPPA, it is up to the applicant to show that disclosure of personal information about a third party would not be an unreasonable invasion of the third party's privacy.

DISCUSSION

Background

[7] The BCCS is responsible for investigating and determining the circumstances of all unnatural, sudden and unexpected, unexplained or unattended deaths in the province, where there is reason to believe that a person died in certain circumstances, for example, as a result of violence, accident, negligence, misconduct or malpractice, self-inflicted illness or injury. The Coroner is responsible for ascertaining the facts surrounding a death and must determine the identity of the deceased and how, when, where and by what means the deceased died. The death is then classified as "natural", "accidental", "suicide", "homicide" or "undetermined".²

Information in dispute

[8] The BCCS located autopsy reports on 18 individuals, comprising 121 pages. It withheld all 121 pages under s. 22(1).

¹ According to the Fact Report for this inquiry, the transfer was for records concerning item (a) of the request.

² BCCS's initial submission, paras. 24-30.

[9] The applicant requested copies of sections of the reports showing if the BCCS conducted tests or exams on the deceased for the following:

- foodborne illnesses, either from consumption or coming into contact with bacteria or toxins;
- E. coli and what the levels were; and
- avian, dog or other related diseases.

[10] There are no parts of the reports that address those matters. The reports contain information on the results of various examinations the BCCS conducted on the deceased individuals. There is, however, no information in the reports showing if the BCCS did – or did not – conduct tests for any of the illnesses or diseases the applicant specified.

[11] The applicant expressed concern that the BCCS may have missed a serious public health concern in the last two decades.³ However, it is clear from the circumstances surrounding the deaths of the 18 individuals that no concerns about the specified illnesses or diseases he mentions arose during the autopsies. The information the applicant requested does not exist in the records in question in this inquiry.

CONCLUSION

[12] For reasons given above, I find that the records in question are not responsive to the request. There are, therefore, no issues to dispose of and it is not necessary for me to proceed with the s. 22(1) analysis or to issue an order.

February 10, 2021

ORIGINAL SIGNED BY

Celia Francis, Adjudicator

OIPC File No.: F18-79108

³ Applicant's response submission.