Order F23-78

COLLEGE OF PHYSICIANS AND SURGEONS OF BRITISH COLUMBIA

Ian C. Davis
Adjudicator

September 21, 2023

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Summary: An applicant made two access requests under the *Freedom of Information and Privacy Act* (FIPPA) to the College of Physicians and Surgeons of British Columbia (College) for records relating to herself and a particular College complaint investigation file. The College provided partial access, withholding information under ss. 13(1) (advice and recommendations), 14 (solicitor-client privilege), and 22(1) (unreasonable invasion of a third party's personal privacy) of FIPPA. The adjudicator confirmed the College's decision under s. 14. The adjudicator also determined that the College is required or authorized to withhold most, but not all, of the information that the College withheld under ss. 13(1) and 22(1).

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, ss. 13(1), 13(2)(a), 13(3), 14, 22(1), 22(2)(a), 22(2)(f), 22(3)(b), 22(3)(d), and 22(4).

INTRODUCTION

[1] An individual (the Applicant) made two access requests under the *Freedom of Information and Protection of Privacy Act* (FIPPA) to the College of Physicians and Surgeons of British Columbia (College). The Applicant requested access to all records on a particular College complaint investigation file, as well as all records relating to herself.[1]

[2] The College responded by giving the Applicant partial access to the requested records. The College withheld information in the records under ss. 13(1) (advice and recommendations), 14 (solicitor-client privilege), 19(1)(a) (harm to safety or mental or physical health), and 22(1) (unreasonable invasion of third-party personal privacy) of FIPPA.

[1] Investigator's Fact Report (OIPC File No. F20-84190) at para. 1; Investigator's Fact Report (OIPC File No. F20-84192) at para. 1.

[3] The Applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review the College's decision to withhold information. Mediation did not resolve the matter and it proceeded to this inquiry.

[4] On January 18, 2023, the College released a supplementary package of records to the Applicant ("Supplementary Release"). For most of the records in the Supplementary Release, the College withdrew its reliance on s. 19 but continued to withhold the records in full under s. 22. For the other records, the College disclosed some additional information to the Applicant.[2]

[5] The College confirmed in its inquiry submissions dated January 22, 2023, that it is no longer withholding any information under s. 19.[3] As a result, s. 19 is no longer an issue in this inquiry.

[6] The OIPC invited a third party (Third Party) to participate in this inquiry and the Third Party made brief submissions.[4] The records in dispute relate to complaints to the College that involve the Third Party.

[7] The College submitted some of its affidavit evidence *in camera*, after requesting and receiving permission from the OIPC to do so.[5]

PRELIMINARY MATTER

[8] In its initial decision in response to one of the Applicant's requests, the College withheld some information on the sole basis that the College considered it non-responsive to (or "outside the scope" of) the Applicant's request.[6] The College had no basis to do so. Past OIPC orders clearly establish that a public body may not withhold information in a responsive record on the basis that the information is non-responsive.[7]

[9] However, in the Supplementary Release, the College adjusted its position and withheld the information it had previously considered non-responsive solely under s. 22(1). Section 22(1) requires a public body to refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

[10] While it would have been preferable for the College to have initially withheld the information in question under s. 22(1), it appropriately adjusted its position for the purposes of this inquiry. Section 22(1) is mandatory, so I see no

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[2] Records for OIPC File No. F20-84192 at pp. 3, 96, 261, 322, 574, 726-727, 743, and 839-841.
[3] College's initial submissions at para. 2.
[4] The OIPC did so pursuant to ss. 54(b) and 56(3) of FIPPA.
[5] See ss. 56(2) and 56(4)(b) of FIPPA. If material is submitted *in camera*, that means that the OIPC will see the material but no other party will.
[6] Records for OIPC File No. F20-84192 at pp. 1765 and 1768.
[7] See, for example, Order F15-23, 2015 BCIPC 25.

basis to deny the College the opportunity to apply s. 22(1) when it eventually did. I will consider below whether the College is required by s. 22(1) to refuse to disclose the information it previously withheld as non-responsive.

ISSUES AND BURDEN OF PROOF

[11] The issues in this inquiry are:

1. Is the College authorized under ss. 13(1) and 14 to refuse access to the information it withheld under those sections?

2. Is the College required under s. 22(1) to refuse access to the information it withheld under that section?

[12] The burden of proof is on the College to prove that ss. 13(1) and 14 apply.[8] The Applicant has the burden to show that disclosure of personal information would not be an unreasonable invasion of a third party's personal privacy under s. 22(1).[9] However, the College bears the initial burden to show that the information in dispute under s. 22(1) is personal information.[10]

BACKGROUND

[13] The College is continued as a college under the *Health Professions Act* (HPA).[11] According to s. 16(1) of the HPA, the College's duty is to serve and protect the public, and to exercise its powers and discharge its responsibilities under all enactments in the public interest.

[14] The College's functions and responsibilities include to superintend the practice of the health profession, to govern its registrants (i.e., health professionals registered as members of the College), and to establish, monitor and enforce standards of professional ethics amongst registrants.[12]

[15] Part 3 of the HPA sets out a process whereby individuals may complain to the College about registrants. The registrar of the College deals with complaints at the preliminary stage. The College also has an inquiry committee (Inquiry Committee) that investigates complaints. The Inquiry Committee may take certain actions in relation to a complaint, including issuing a citation and forwarding a matter on to a discipline committee.[13]

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[8] FIPPA, s. 57(1).
[9] FIPPA, s. 57(2).
[10] Order 03-41, 2003 CanLII 49220 (BC IPC) at paras. 9-11.
[11] R.S.B.C. 1996, c. 183, s. 15.1(3) [HPA].
[12] HPA, *ibid*, s. 16(2).
[13] For a more detailed summary of the College complaints process, see *The College of Physicians and Surgeons of British Columbia v. The Health Professions Review Board*, 2022 BCCA 10 at paras. 55-64 (leave to appeal to the Supreme Court of Canada dismissed: 2022 CanLII 110523 (SCC)).

RECORDS IN DISPUTE

[16] There are nearly 2,000 pages of records responsive to the Applicant's access requests, but the College has already disclosed the vast majority of these pages to the Applicant in full.[14] The records in dispute in this inquiry are a subset (roughly 400 pages) of the total responsive records.

[17] The records in dispute are of various kinds—e.g., letters, emails, notes, and memoranda—and they all generally relate to complaints to the College about registrants.

OVERVIEW OF THE PARTIES' POSITIONS

[18] The College's position in this inquiry is that it is authorized under ss. 13(1) and 14, and required under s. 22(1), to refuse the Applicant access to the information it withheld under those sections. I set out the details of the College's position on each FIPPA section in my analysis below.

[19] The Third Party made a brief submission simply adopting the College's position on s. 22.

[20] The Applicant did not make inquiry submissions. However, I have before me the Applicant's letter to the OIPC initiating the requests for review.[15] It is clear from the letter that the Applicant disagrees with the College's decision to refuse her access to information. The letter also goes into various background matters. The letter does not, however, touch on the FIPPA sections at issue in this inquiry.

[21] Since the Applicant did not make inquiry submissions, the College and the Third Party declined to make reply submissions.

SECTION 14 – SOLICITOR-CLIENT PRIVILEGE

[22] The College withheld some of the information in dispute under s. 14. Section 14 states that a public body may refuse to disclose to an applicant information that is protected by solicitor-client privilege.

[23] Solicitor-client privilege under s. 14 encompasses both legal advice privilege and litigation privilege.[16] In this case, the College only claims legal advice privilege, and I will refer to it simply as "solicitor-client privilege."

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[14] The College's submissions at para. 6-7 indicate that the Records for OIPC File No. 84190 consist of 49 pages and the Records for OIPC File No. 84192 consist of 1912 pages. However, in the full records packages before me the first file has 50 pages and the second has 1929 pages.
[15] Letter from the Applicant to the OIPC dated October 6, 2020.
[16] *College of Physicians of B.C. v. British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 at para. 26 [*College*].

[24] The test for solicitor-client privilege has been expressed in various ways, but the essential elements are that there must be:

1) a communication between solicitor and client (or their agent),

2) that entails the seeking or giving of legal advice, and

3) that is intended by the solicitor and client to be confidential.[17]

[25] The confidentiality ensured by solicitor-client privilege allows clients to speak to their lawyers openly and honestly, which in turn allows lawyers to better assist their clients.[18] Given its functions, solicitor-client privilege is of fundamental importance and it must be as close to absolute as possible.[19] Information subject to solicitor-client privilege may be disclosed "only when it is absolutely necessary to achieve the ends of justice."[20]

[26] In *Descôteaux et al. v. Mierzwinski*, which the College cited, the Supreme Court of Canada held that solicitor-client privilege broadly protects what is commonly described as the "continuum of communications"[21] in which the solicitor provides advice:

> …a lawyer's client is entitled to have all communications made with a view to obtaining legal advice kept confidential. Whether communications are made to the lawyer himself or to employees, and whether they deal with matters of an administrative nature such as financial means or with the actual nature of the legal problem, all information which a person must provide in order to obtain legal advice and which is given in confidence for that purpose enjoys the privileges attached to confidentiality. This confidentiality attaches to all communications made within the framework of the solicitor-client relationship….[22]

[27] Solicitor-client privilege applies not only to communications between a lawyer and their client, but also to a lawyer's working papers directly related to providing legal advice to the client.[23]

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[17] *Solosky v. The Queen*, 1979 CanLII 9 (SCC), [1980] 1 S.C.R. 821 at p. 837.
[18] *Alberta (Information and Privacy Commissioner) v. University of Calgary*, 2016 SCC 53 at para. 34. For more on the rationale behind solicitor-client privilege, see *General Accident Assurance Company v. Chrusz*, 1999 CanLII 7320 (ON CA) per Doherty J.A.
[19] *R. v. McClure*, 2001 SCC 14 at paras. 32 and 35.
[20] *Camp Development Corporation v. South Coast Greater Vancouver Transportation Authority*, 2011 BCSC 88 at para. 13
[21] *British Columbia (Attorney General) v. Lee*, 2017 BCCA 219 at para. 33.
[22] 1982 CanLII 22 (SCC), [1982] 1 S.C.R. 860 at pp. 892-893.
[23] *Susan Hosiery Ltd. v. Canada (Minister of National Revenue)*, [1969] 2 Ex. C.R. 27, 1969 CanLII 1540 (CA EXC); Order F18-46, 2018 BCIPC 49 at paras. 20-23; Order 01-10, 2001 CanLII 21564 (BC IPC) at paras. 68-69; Order F19-45, 2019 BCIPC 51 at paras. 33-37.

Evidentiary basis for the College's s. 14 privilege claims

[28] The College provided the records in dispute for my review, including all the information over which it claims solicitor-client privilege under s. 14.[24] The records themselves are (*in camera*) evidence that I have considered.[25]

[29] The College also submitted an affidavit from GK, who deposed that:

- GK is a practising member of the Law Society of British Columbia and is employed as the Deputy Registrar and Chief Legal Counsel of the College. GK supervises staff lawyers employed by the College.
- GK and the staff lawyers whom he supervises provide legal advice to, and have a solicitor-client relationship with, the College and its committees, including the Inquiry Committee.
- GK is also responsible for retaining external legal counsel on an *ad hoc* basis to assist with providing legal advice to College committees and representation in litigation.
- With respect to one of the complaints at issue in the records, GK retained external legal counsel (External Counsel) to assist the College and its Inquiry Committee by conducting interviews and documenting evidence and providing other legal services that GK describes *in camera*.
- All the records that the College severed or completely withheld under s. 14 fall on the "continuum of seeking and giving legal advice".[26]

Are the disputed records subject to solicitor-client privilege?

[30] Based on my review of the records, GK's evidence, and the College's submissions, I find that the information in dispute under s. 14 consists of the following:

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[24] According to the Records and the College's submissions at para. 27, the information in dispute under s. 14 is in the Records for OIPC File No. F20-84190 at pp. 47-49 and the Records for OIPC File No. F20-84192 at pp. 4, 161, 299, 339, 342, 448-449, 451, 456, 458-459, 470-473, 532-533, 537, 552-553, 576-581, 812, 906-909, 912, 915-919, 996, 1029, 1048-1051, 1107-1115, 1116-1117, 1154-1155, 1231-1232, 1308-1314, 1323-1324, 1467, 1472-1473, 1487-1491, 1499, 1504-1511, 1516-1518, 1520-1525, 1557, 1560-1561, 1565, 1579-1591, 1760-1763, 1767, 1789, 1798-1799, 1816-1821, and 1896-1900.
[25] See, for example, Order 01-29, 2001 CanLII 21583 (BC IPC) at para. 21.
[26] Affidavit #1 of GK at paras. 1-3, 8, and 11.

- communications between the College and its internal or external lawyers, including final and draft reports[27] to the Inquiry Committee (College-lawyer communications);[28]

- information in records other than College-lawyer communications that the College claims would reveal legal advice provided by a College lawyer;[29]

- a College staff lawyer's, and External Counsel's, handwritten notes relating to telephone conversations with various individuals.[30]

[31] The College submits that it is "clear from the records" that the withheld information "falls on the continuum of legal professional communications with internal and external legal advisors and therefore falls within the scope of legal professional privilege" under s. 14.[31]

College-lawyer communications

[32] I accept, based on GK's evidence, that the College was in a solicitor-client relationship with its staff lawyers and, separately, with External Counsel. The College-lawyer communications are between lawyer and client, so they meet the first part of the privilege test.

[33] The College-lawyer communications also meet the second part of the privilege test. GK's evidence and the disputed information itself establish that the College-lawyer communications relate to legal advice that the College sought, and that its lawyers provided, generally relating to legal matters under the HPA.

[34] To be clear, I am satisfied that, for the purposes of the records in dispute, External Counsel was acting as a lawyer and not merely as an investigator conducting interviews. GK's evidence (some of which is *in camera*) establishes that the College retained External Counsel to provide legal advice and not merely investigative services.[32] I am satisfied that External Counsel was, as the Court of Appeal put it in a seminal case, "acting on her client's instructions to obtain the facts necessary to render legal advice" to the Inquiry Committee.[33]

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[27] Records for OIPC File No. F20-84192 at pp. 576-581, 1109-1115, 1308-1314, and 1580-1591.
[28] Records for OIPC File No. F20-84190 at pp. 47-49 and Records for OIPC File No. F20-84192 at pp. 161, 299, 339, 342, 448-449, 456, 458-459, 470-473, 532-533, 552-553, 576-581, 1108-1115, 1116-1117, 1154-1155, 1231-1232, 1308-1314, 1467, 1472, 1473, 1487-1491, 1504-1511, 1516-1518, 1520-1525, 1557, 1560-1561, 1579-1591, 1798-1799, 1816-1821, and 1896-1900.
[29] Records for OIPC File No. F20-84192 at pp. 4, 537, 812, 1108 (email at the top of the page), 1761-1762, and 1767.
[30] Records for OIPC File No. F20-84192 at pp. 451, 906-909, 912, 915-919, 996, 1029, 1048-1051, 1107, 1323-1324, 1499, 1565, 1760, 1763, and 1789.
[31] College's submissions at para. 28.
[32] Affidavit #1 of GK at para. 8.
[33] *College*, *supra* note 16, at para. 42.

[35] Finally, the College-lawyer communications meet the third part of the privilege test because they were intended to be confidential. There is no indication that the communications were shared outside the College's confidential relationships with its lawyers. I accept GK's evidence that the legal advice was provided "in the expectation that it would be held in strict confidence because of its intended purpose."[34]

[36] For these reasons, the College-lawyer communications are subject to solicitor-client privilege and the College is authorized to refuse the Applicant access to them under s. 14.

Information that the College claims would reveal legal advice

[37] The information that the College claims would reveal legal advice is in internal emails between College staff, documents called "Inquiry Committee File Tracking Sheets", approved minutes of the Inquiry Committee, and a draft letter written by External Counsel with handwritten notes on it.

[38] Having reviewed all this information, I am satisfied that it is privileged because it would reveal confidential legal advice provided to the College. One of the internal emails summarizes and therefore reveals a College staff lawyer's legal advice. The other internal email shares External Counsel's draft report, which I already found is privileged. The withheld information in the "Inquiry Committee File Tracking Sheets" and the Inquiry Committee minutes reiterate and thus reveal, confidentially within the College, legal advice provided by College lawyers. Finally, the draft letter with handwritten notes on it is privileged because it is part of External Counsel's working papers directly related to providing legal advice to the College.

Handwritten notes relating to telephone calls

[39] The last category of information that the College withheld under s. 14 is a College staff lawyer's, and External Counsel's, handwritten notes relating to telephone calls.[35]

[40] I find that most of the telephone calls were between External Counsel and either College staff (including GK), counsel for a third party, or the Applicant. The other telephone calls were between College lawyers. I make these findings based on the contents of the notes themselves and the College's document descriptions.

[41] The notes pertaining to calls between College lawyers, and between External Counsel and College staff, are clearly privileged. They record and reveal

[34] Affidavit #1 of GK at para. 12.
[35] By telephone "calls" here, I mean to include voicemail messages.

solicitor-client communications relating to legal advice. I am satisfied on the evidence before me that they were not shared outside the solicitor-client relationship and are confidential. These notes qualify as the lawyers' working papers directly relating to the provision of legal advice to the College.

[42] I am also satisfied that External Counsel's handwritten notes pertaining to telephone calls with the Applicant and counsel for a third party are privileged. As I explain below, I am satisfied of this even though the Applicant and the third party are not part of the solicitor-client relationship between External Counsel and the College.

[43] In his leading text *Solicitor-Client Privilege*, Adam M. Dodek writes that, despite some uncertainty in the law, solicitor-client privilege should protect lawyers' notes of communications with third parties. Dodek explains that:

> Lawyers' notes of interviews with witnesses or opposing parties have been found not to be covered by the privilege in circumstances where they only contain a transcription of the questions and answers or where they are found not to contain legal advice or communications with the client. However, courts have held that lawyer's subjective opinions noted in the process of an interview with an opposing party or a witness are privileged.
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> …
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> Even if the lawyer's transcription of the interview do not contain annotations or notes or subjective impressions, there are two reasons why they should still be considered privileged. First, the lawyer's notes are not like non-privileged documents that are sent to a lawyer. They are created by the lawyer. Even if such notes purport to be simply a transcription of what the other party said, the lawyer's notes may reveal the lawyer's subjective impressions by the detail or lack of detail about certain information. As one lawyer remarked to me, "notes are inherently interpretive". They are not the same as a true transcript of an interview. Second, the notes are clearly prepared for the purpose of providing legal advice to the client and on this basis should fall within the broad ambit as being part of the "continuum of communication" between lawyer and client. In this way, they are analogous to clients' notes that assist the client in communicating with their lawyer….[36]

[44] I agree with Dodek's approach. Solicitor-client privilege must remain as close to absolute as possible. Disclosing a lawyer's notes relating to telephone calls with third parties made in the course of providing legal advice to a client risks infringing solicitor-client privilege. For example, even disclosing what the lawyer considered relevant and decided to write down could lead to accurate inferences about legal advice. I conclude that a lawyer's notes concerning

[36] Adam M. Dodek, *Solicitor-Client Privilege* (Markham: LexisNexis, 2014) at ss. 5.80-5.82 (citations omitted).

telephone calls with third parties are privileged if they relate to providing legal advice and risk revealing privileged information.

[45] Applying the above principles, I find that External Counsel's handwritten notes relating to telephone calls with the Applicant and counsel for a third party are privileged. They are not objective transcriptions of what was said, but rather External Counsel's subjective impressions of what was said in the context of providing legal advice to the College. I am satisfied that disclosing the notes risks revealing privileged information such as External Counsel's assessment of evidence, which informed their legal advice to the College. I conclude that the notes are protected by solicitor-client privilege.

Conclusion regarding s. 14

[46] For the reasons given above, I conclude that the records in dispute under s. 14 are protected by solicitor-client privilege and the College is therefore authorized to refuse the Applicant access to them.

SECTION 13 – ADVICE AND RECOMMENDATIONS

[47] The College also withheld some of the information in dispute under s. 13(1) of FIPPA. Section 13(1) states that a public body may refuse to disclose to an applicant information that would reveal advice or recommendations developed by or for a public body or a minister.

[48] The purpose of s. 13(1) is "to ensure that a public body may engage in full and frank deliberations, including requesting and receiving advice, in confidence and free of disruption from requests from outside parties for disclosure."[37] Section 13 prevents the harm that would occur if a public body's deliberative process were subject to excessive scrutiny.[38]

[49] Past OIPC orders and court decisions, including judgments of the Court of Appeal and the Supreme Court of Canada, have established the following principles for the interpretation of s. 13(1):

- Section 13(1) applies to information that *would reveal* advice or recommendations and not only to information that *is* advice or recommendations.[39]

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[37] *Insurance Corporation of British Columbia v. Automotive Retailers Association*, 2013 BCSC 2025 at para. 29 [*Automotive Retailers Association*]. See also *John Doe v. Ontario (Finance)*, 2014 SCC 36 at paras. 43-44.
[38] *Automotive Retailers Association*, *ibid* at para. 65.
[39] Order 02-38, 2002 CanLII 42472 (BC IPC) at para. 135.

- The terms "advice" and "recommendations" are distinct, so they must have distinct meanings.[40]

- "Recommendations" relate to a suggested course of action that will ultimately be accepted or rejected by the person being advised.[41]

- "Advice" has a broader meaning than "recommendations".[42] It includes setting out relevant considerations and options, and providing analysis and opinions, including expert opinions on matters of fact.[43] Advice can be an opinion about an existing set of circumstances and does not have to be a communication about future action.[44]

- "Advice" also includes factual information "compiled and selected by an expert, using his or her expertise, judgment and skill for the purpose of providing explanations necessary to the deliberative process of a public body."[45] This is because the compilation of factual information and weighing the significance of matters of fact is an integral component of an expert's advice and informs the decision-making process.

[50] Past orders analyze s. 13 in two steps.[46] The first question is whether the disputed information would reveal advice or recommendations under s. 13(1). If so, the next question is whether the disputed information falls within s. 13(2) or s. 13(3). Section 13(2) sets out various kinds of records and information that the head of a public body must not refuse to disclose under s. 13(1), even if that information would reveal advice or recommendations. Section 13(3) states that s. 13(1) does not apply to information in a record that has been in existence for 10 or more years.

Would the disputed information reveal advice or recommendations?

[51] The first question is whether the disputed information would reveal advice or recommendations developed by or for a public body or a minister.

[52] The information that the College withheld under s. 13(1) is in three emails.[47] Two of the emails are from College staff members to a College staff

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[40] *John Doe*, *supra* note 37, at para. 24.
[41] *John Doe*, *ibid* at paras. 23-24.
[42] *John Doe*, *ibid* at para. 24.
[43] *John Doe*, *ibid* at paras. 26-27 and 46-47; *College*, *supra* note 16, at paras. 103 and 113.
[44] *College*, *ibid* at para. 103.
[45] *Provincial Health Services Authority v. British Columbia (Information and Privacy Commissioner)*, 2013 BCSC 2322 at para. 94 [*PHSA*]. See also *Automotive Retailers Association*, *supra* note 37, at paras. 52-53.
[46] See, for example, Order F21-16, 2021 BCIPC 21 at para. 14.
[47] Records for OIPC File No. F20-84192 at pp. 339, 342, and 807; College's submissions at para. 13.

lawyer.[48] The other email is from the College's Director of Investigations to GK and the College's Deputy Registrar. The College withheld this information only under s. 13(1).

[53] The College submits that "it is clear on the face of the records that the severed information constitutes 'recommendations' within the scope of s. 13(1)."[49]

[54] I am satisfied that most of the disputed information would reveal recommendations developed for the College. This information involves a College staff member suggesting that the College take a certain course of action or adopt a certain position. There is, however, one line of an email that merely sets out an aspiration and I find it would not reveal advice or recommendations.[50]

Do any of the exceptions in s. 13(2) apply?

[55] I will now consider whether any of the exceptions in s. 13(2) apply to the information that I found would reveal advice or recommendations.

[56] The College submits that none of the exceptions in s. 13(2) apply to the disputed information.[51] The College only specifically addressed s. 13(2)(a). That subsection states that a public body must not refuse to disclose under s. 13(1) "any factual material".

[57] The term "factual material" is not defined in FIPPA. However, the courts have interpreted it to mean "source materials" or "background facts in isolation" that are not necessary to the advice provided.[52] If factual information is compiled and selected by an expert and is an integral component of their advice, then it is not "factual material" under s. 13(2)(a).[53]

[58] None of the disputed information is factual material within the meaning of s. 13(2)(a). As mentioned, all of it consists of recommendations and supporting information that is integral to the recommendations.

[59] I have also considered all the other exceptions in s. 13(2), which the parties did not discuss, and I am satisfied that none of them apply.

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[48] Although some of the information in dispute under s. 13(1) is in emails between the College and its lawyers, the College only applied s. 13(1). Section 14 is discretionary. It is within the College's discretion not to apply s. 14, so I will not consider s. 14 where the College did not apply it in addition to s. 13(1).
[49] College's submissions at para. 14.
[50] Records for OIPC File No. F20-84192 at p. 342 (last line of email dated 22 July 2011).
[51] College's submissions at paras. 14-16.
[52] *PHSA*, *supra* note 45, at para. 94; *Automotive Retailers Association*, *supra* note 37, at para. 52.
[53] *PHSA*, *ibid*.

Does the exception in s. 13(3) apply?

[60] I turn now to the final question under s. 13, which is whether the exception in s. 13(3) applies. As mentioned, s. 13(3) states that s. 13(1) does not apply to information in a record that has been in existence for 10 or more years.

[61] I find, based on the dates stamped on the emails in dispute, that two of them were sent in 2011 and the third was sent in 2015. The 2015 email is less than 10 years old, so s. 13(3) does not apply to the information in it and the College is authorized to withhold that information under s. 13(1). However, the 2011 emails are more than 10 years old, so s. 13(3) applies to the information in them and the College is not authorized to withhold that information under s. 13(1).

[62] I appreciate that the College made its decision to withhold information under s. 13(1) on September 18, 2020.[54] At that time, the 2011 emails would not yet have been 10 years old. FIPPA does not indicate whether s. 13(3) should be assessed based on the date the public body responds to an access request or the date on which a request for review is resolved at inquiry, if there is an inquiry.

[63] For the purposes of this case, I am satisfied that the appropriate date is the date on which the inquiry is resolved. The Applicant could simply make a fresh access request today for the information in the 2011 emails and the College would be barred by s. 13(3) from withholding the information in those emails under s. 13(1). It does not seem to me practical or reasonable to require the Applicant to go through the FIPPA process again.

Conclusion regarding s. 13

[64] With one exception, the information in dispute under s. 13(1) would reveal advice or recommendations. The College is not authorized to withhold the small amount of information that would not reveal advice or recommendations. With respect to the information that would reveal advice or recommendations, s. 13(2) does not apply. However, s. 13(3) applies to the information in the 2011 emails, so the College is not authorized to withhold that information under s. 13(1). Since the College did not apply any other access exception to this information, it must be disclosed to the Applicant. In the result, the College is authorized to withhold the disputed information in the 2015 email but not in the 2011 emails.

SECTION 22 – UNREASONABLE INVASION OF PRIVACY

[65] The College withheld a significant amount of information under s. 22. Section 22 states that a public body must refuse to disclose personal information

[54] Investigator's Fact Reports at para. 2.

to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

[66] The College and the Third Party submit that the College is required to withhold the information in dispute under s. 22 because its disclosure would be an unreasonable invasion of a third party's personal privacy.[55]

[67] The analytical approach to s. 22 is well established and has several steps. I apply that approach below.[56]

Is the withheld information "personal information"?

[68] Section 22(1) only applies to personal information, so the first step is to determine whether the withheld information is personal information.

[69] Schedule 1 of FIPPA defines personal information as "recorded information about an identifiable individual other than contact information." Information is "about an identifiable individual" when it is "reasonably capable of identifying an individual, either alone or when combined with other available sources of information."[57]

[70] Schedule 1 of FIPPA defines contact information as "information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual." Contact information is the kind of information commonly found in an employee directory or on a business card.[58]

[71] Although the College did not provide detailed submissions about why all the information in dispute under s. 22 is personal information, its position is clearly that the information all fits within the definition.

[72] The information in dispute under s. 22 is considerable and varied. The College withheld many records in their entirety. Most of the information is in correspondence between the College and third parties (or their lawyers) who either made complaints to the College ("complainants"), were the subject of a complaint to the College ("complaint subjects"), or provided information to the College relating to a complaint ("witnesses").

[73] In general, I accept as accurate the College's descriptions of the records and information in dispute under s. 22.[59] However, for the purposes of conducting

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[55] College's submissions at paras. 30-51; Third Party's submissions.
[56] See, for example, Order F15-03, 2015 BCIPC 3 at para. 58.
[57] Order F19-13, 2019 BCIPC 15 at para. 16 citing Order F18-11, 2018 BCIPC 14 at para. 32.
[58] Order F08-03, 2008 CanLII 13321 (BC IPC) at para. 82.
[59] College's submissions at paras. 32-33 and the tables of records.

the s. 22 analysis below, I have summarized and categorized the disputed information somewhat differently.

[74] The withheld information includes many kinds of information that would predictably appear in correspondence to or from the College. This include names, titles, civic addresses, email addresses, dates, College stamps (indicating when the College received a document), signatures, logos, page numbers, parts of email headers (e.g., "From, "To", etc.), boilerplate language in email footers, clinic and hospital names and website URLs, generic titles and headings, generic email salutations and sign-offs, the College's slogan, and College file numbers. This information appears throughout the records, often simultaneously in the same record, or on the same page.

[75] I would characterize the balance of the information in dispute under s. 22, in general terms, as follows:

- physicians' College identification numbers;[60]
- physicians' Medical Services Plan (MSP) billing numbers;[61]
- complaints to the College, and other professional regulation issues, including allegations and evidence;[62]
- witnesses' views or opinions on matters relating to complaints;[63]
- complaint subjects' responses to complaints, setting out their evidence and positions, as well as questions and requests to the College;[64] and
- descriptions of the steps the College took to investigate and resolve complaints; the College's account or assessment of the evidence and the merits of complaints; and instructions, information, requests, and updates from the College relating to complaints.[65]

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[60] Records for OIPC File No. F20-84190 at pp. 1-2; Records for OIPC File No. F20-84192 at pp. 1-2, 4-5, 76, 246, 299, 525, 582, 647, 729, 737, 746, 811, 816, 869, 1513, 1838, 1874, and 1912.
[61] Records for OIPC File No. F20-84192 at pp. 1530-1542 and 1544-1556.
[62] For example, Records for OIPC File No. F20-84190 at pp. 4-18, 24-38, 736, 1512-1515, 1519, 1564, 1743, 1766-1768, and 1772-1773.
[63] Records for OIPC File No. F20-84192 at pp. 300.
[64] Records for OIPC File No. F20-84192 at pp. 563-570, 705-712, 740-743, 799-802, 804-806, 1319-1320, 1325-1327, 1389-1390, 1470-1471, 1492-1493, 1566-1568, 1571-1578, 1652-1653, 1734-1735, 1737-1738, 1745-1747, 1753, 1758-1759, 1778, 1781-1787, 1799-1804, 1809-1814, and 1822-1831.
[65] Records for OIPC File No. F20-84190 at p. 3; Records for OIPC File No. F20-84192 at pp. 2-3, 571, 573-575, 713, 726-728, 811-815, 839-841, 848-852, 1106, 1118-1119, 1315-1316, 1318, 1330-1331, 1468-1469, 1474-1475, 1562-1563, 1570, 1593-1594, 1731-1732, 1749-1751, 1754-

Information in dispute that is not personal information

[76] I start with the information that I find is not personal information. This information is the College's logo, address, stamps, and slogan; the names, titles, and email addresses of College staff and External Counsel;[66] page numbers; dates on College correspondence; parts of email headers; boilerplate language in email footers; generic titles and headings; and generic email salutations and sign-offs.

[77] The names, titles, and email addresses of College staff and External Counsel are contact information, so they cannot be personal information. This information allows College staff and External Counsel to be contacted at their place of business for the purposes of College business, which is professional regulation. This information is not personal, but rather contact information for business purposes.[67]

[78] The other information that I find is not personal information is not about identifiable individuals. The College's logo, address, stamps, and slogan are about the College, not individuals. I am also not persuaded, and the College did not adequately explain, how page numbers, dates, generic titles and headings, and generic or boilerplate email information is about identifiable individuals.[68] This information is too generic and non-substantive to be about individuals, let alone identifiable ones. Numerous past orders have found that this kind of information is not personal information.[69]

[79] The relatively minimal information that I found is not personal information, and that the College is not required or authorized to refuse to disclose under s. 22(1) or any other section, is generally innocuous and likely inconsequential to the Applicant. Nevertheless, the Applicant has a right to it under FIPPA because it is in a responsive record and conveys meaning. In these instances, the Applicant is entitled to more than entirely blank pages.

1757, 1765-1768, 1772-1773, 1776-1777, 1779, 1790-1797, 1805-1808, 1832-1836, and 1911-1912.

[66] I note that GK discloses External Counsel's name in his affidavit at para. 8, which is appropriate given s. 22(4)(e)-(f).

[67] Even if I am wrong, I would apply s. 22(4)(e) based on the principles set out, for example, in Order F19-27, 2019 BCIPC 29 at paras. 51-52.

[68] At any rate, the College has already revealed some of this information in its descriptions at para. 33 of its submissions and similar information in records already released to the Applicant. If I am wrong about whether this information is personal information, I would find in the alternative that it is so innocuous that disclosing it would not constitute an unreasonable invasion of a third party's personal privacy under s. 22(1).

[69] See, for example, Order F21-40, 2021 BCIPC 48 at para. 49; Order F22-38, 2022 BCIPC 43 at para. 33; Order F17-13, 2017 BCIPC 14 at para. 47; Order F18-19, 2018 BCIPC 22 at para. 49.

Information in dispute that is personal information

[80] I am satisfied that the balance of the information in dispute under s. 22 meets the FIPPA definition of personal information.

[81] All the following is directly linked to and thus about identifiable individuals other than College staff and External Counsel: names, titles, civic and email addresses, signatures, information identifying the clinic or hospital where a physician works, College file numbers, physicians' College identification numbers, and physician's MSP billing numbers. This information is about the individuals to which it relates (primarily complaint subjects), and these individuals are identifiable because they are named in the records.

[82] The substantive information about complaints (i.e., the allegations, evidence, responses, and the College's actions and assessments) is also about identifiable individuals. All this information is broadly about the complaint subjects, who are named in the records and thus identifiable. In many cases, this information is also the personal information of another third party. For example, some allegations describe interactions between a third party and a complaint subject, so the allegations are simultaneously about both individuals.

[83] Some of the disputed information is the joint personal information of the Applicant and a third party.[70] There is also a minimal amount of information that is solely the Applicant's personal information.[71]

[84] None of the information I am discussing here is contact information. This is obvious for much of the information, so I will only address the civic and email addresses of third parties and their lawyers. In the context of this case, which relates to professional regulation, these addresses are not contact information. Disclosure of this information would allow accurate inferences about the identities of complainants and complaint subjects. The addresses are to enable complainants and complaint subjects to be contacted for regulatory, not business, purposes.

[85] For the remainder of the analysis below, I only consider the disputed information that I found is personal information. The College is not required or authorized to withhold, under s. 22(1), the disputed information that I found is not personal information.

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[70] For example, Records for OIPC File No. F20-84192 at pp. 563-564, 571, 740-742, 799-802, 804-806, 848-849, 1325-1327, 1330-1331, 1470-1471 (and duplicates).
[71] For example, Records for OIPC File No. F20-84192 at pp. 563, 571, 848, 1813, 1823, and 1911. The College disclosed the same kind of information, for example, in the Records for OIPC File No. F20-84192 at p. 839 (Supplemental Release).

Section 22(4) – No unreasonable invasion of privacy

[86] The next step in the s. 22 analysis is to consider s. 22(4). That subsection sets out various circumstances in which a disclosure of personal information is not an unreasonable invasion of a third party's personal privacy.

[87] The College submits that "none of the circumstances enumerated in s. 22(4) are engaged in the present inquiry."[72] The Third Party adopts the College's position.

[88] I have reviewed the disputed information considering s. 22(4) and am satisfied that none of the circumstances in the subsection apply.

Section 22(3) – Presumed unreasonable invasion of privacy

[89] The next step in the analysis is to determine if any of the presumptions in s. 22(3) apply. Section 22(3) sets out various circumstances in which a disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy.

[90] The College submits that the presumptions in ss. 22(3)(b) and 22(3)(d) apply in this case.[73] I also consider s. 22(3)(a) relevant, even though the College did not argue it. I will discuss each presumption in turn.

Medical information – s. 22(3)(a)

[91] Section 22(3)(a) states that a disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation.

[92] Some of the disputed information relating to professional regulation matters also discloses information about third parties' medical history, condition, and/or treatment.[74] I cannot describe the information in any more detail without revealing it. This information clearly falls within s. 22(3)(a), so its disclosure is presumed to be an unreasonable invasion of the third party's personal privacy.

Investigation into a possible violation of law – s. 22(3)(b)

[93] Section 22(3)(b) states that a disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

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[72] College's submissions at para. 34.
[73] College's submissions at paras. 35-45.
[74] Records for OIPC File No. F20-84192 at pp. 811, 1514, 1519, 1564, 1743, 1766-1768, 1772-1773, and 1912.

the personal information was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation.

[94] Section 22(3)(b) sets out two requirements. The first is that there must have been an "investigation into a possible violation of law." Past orders define "law" as including a legislative provision the violation of which could result in a penalty or sanction.[75] The second requirement is that the personal information in dispute must have been "compiled" and be "identifiable" as part of the investigation in question. Compiling information involves some exercise of judgment, knowledge, or skill on behalf of the public body.[76]

[95] The first requirement is clearly met here. Past OIPC orders cited by the College establish that professional regulation investigations, including College investigations under the HPA, qualify as investigations into a possible violation of law for the purposes of s. 22(3)(b).[77] The investigations dealt with in the disputed records are into possible violations of the HPA and the various professional rules and standards promulgated under it, and the College has the power to discipline and sanction such violations.[78]

[96] The next question is whether the disputed information was compiled and is identifiable as part of College investigations. I am satisfied that all the information is "identifiable" as part of College investigations. The records clearly indicate that the disputed information is in, and forms part of, College complaint investigation files.

[97] The only remaining question is whether the disputed information was "compiled" as part of College investigations. In past orders involving the College, the OIPC has found that the following kinds of information have been compiled as part of College investigations for the purposes of s. 22(3)(b):

- a complaint subject's response to allegations, the College's disposition, and medical records;[79]

- an agreement and its schedules, flowing from the complaints process, imposing discipline on a registrant;[80] and

[75] Order 01-12, 2001 CanLII 21566 (BC IPC) at para. 17.
[76] Order F19-02, 2019 BCIPC at para. 39.
[77] College's submissions at paras. 37-40, citing Order 02-20, 2002 CanLII 42445 (BC IPC) at paras. 28-31; Order F05-18, 2005 CanLII 24734 (BC IPC) at paras. 37-42; Order F19-02, *ibid*, at paras. 33-40.
[78] Order F05-18, *ibid*, at para. 42; Order F19-02, *ibid*, at paras. 34-35.
[79] Order F19-02, *supra* note 76, at para. 40.
[80] Order F12-10, 2012 BCIPC 14 at para. 28.

- questions from the College's Inquiry Committee to a complaint subject and the complaint subject's responses.[81]

[98] In this case, with a few minor exceptions, all the disputed information was compiled as part of College investigations, so s. 22(3)(b) applies. The information in dispute is the information and evidence that the College collected about third parties during its investigations using its skill and expertise. The names, addresses, allegations, evidence, and responses are all prime examples.

[99] Some of the disputed information was created by the College, such as its questions, requests, and assessments. However, I am not persuaded that this precludes the application of s. 22(3)(b). As noted above, the OIPC has applied s. 22(3)(b) to information generated by the College, including agreements, dispositions, and questions. The information the College created is informed by, intertwined with, and in many cases would reveal, the information it gathered from third parties.[82] On that basis, I am satisfied that the information the College generated falls within the s. 22(3)(b) presumption.

[100] However, I find that there is some disputed information to which s. 22(3)(b) does not apply. This information describes, in a general way, the complaints investigation process and actions that the College took during investigations, without revealing any information that the College compiled as part of its investigations.[83]

Employment, occupational or educational history – s. 22(3)(d)

[101] Section 22(3)(d) states that a disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if the personal information relates to employment, occupational or educational history.

[102] The College submits that the information in dispute relates to the occupational histories of third-party physicians.[84]

[103] In my view, s. 22(3)(d) applies to all the personal information in dispute because it relates to the occupational history of the complaint subjects. Part of a registrant's occupational history is their professional regulation history with the College. Numerous orders support the proposition that information relating to a professional regulation investigation forms part of the complaint subject's occupational history.[85]

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[81] Order F05-18, *supra* note 77, at paras. 5 and 42.
[82] For example, Records for OIPC File No. F20-84192 at pp. 571, 1570, and 1790-1797.
[83] For example, Records for OIPC File No. F20-84192 at pp. 2, 811-812, 850, 1106, 1318, 1319, 1754, 1779, 1790, 1800-1801, 1804, and 1808.
[84] College's submissions at para. 45.
[85] See, for example, Order F19-02, *supra* note 76, at para. 44 and the authorities cited there.

Conclusion regarding s. 22(3) presumptions

[104] For the reasons given above, I conclude that all the disputed information relates to a third party's occupational history under s. 22(3)(d) and most of it was compiled and is identifiable as part of the College's complaint investigations, which are investigations into a possible violation of law under s. 22(3)(b). Section 22(3)(a) also applies to some information. Accordingly, disclosure of all the disputed information is presumed to be an unreasonable invasion of a third party's personal privacy.

Section 22(2) – All relevant circumstances

[105] I now turn to whether disclosure of the disputed personal information would be an unreasonable invasion of a third party's personal privacy, having regard to all relevant circumstances including those listed in s. 22(2).

[106] It is at this stage of the analysis that the s. 22(3) presumptions may be rebutted. The burden is on the Applicant, but the Applicant made no arguments and presented no evidence.

[107] The College mentioned ss. 22(2)(a), 22(2)(c), and 22(2)(f).[86] Sections 22(2)(a) and 22(2)(f) are relevant here and I will discuss them in turn below. However, the College says, and I agree, that s. 22(2)(c) is "not relevant",[87] so I will not address it below. In the absence of any argument from the Applicant, there is no basis to consider s. 22(2)(c). I also consider it relevant in this case to consider the extent of the Applicant's knowledge of the disputed information, which is a factor that past OIPC orders regularly consider.

Public scrutiny – s. 22(2)(a)

[108] Section 22(2)(a) states that a relevant circumstance to consider under s. 22(1) is whether the disclosure is desirable for the purpose of subjecting the activities of a public body to public scrutiny.

[109] Relying primarily on Order F19-02, the College submits that s. 22(2)(a) is "not engaged as the focus of the investigations was on the professional conduct of the physicians in question. Disclosing the third-party personal information at issue in this case would do nothing to subject the activities of the College to public scrutiny."[88]

[110] Disclosure of most of the disputed information would not be desirable for the purpose of subjecting the College's activities to public scrutiny. The

[86] College's submissions at paras. 46-50.
[87] College's submissions at para. 50.
[88] College's submissions at paras. 47-48.

information relates to complaints against physicians. Disclosing this information would subject the physicians to public scrutiny, not the College.

[111] There is, however, some information to which I think s. 22(2)(a) applies.[89] I have noted where the information appears in the records, but I cannot describe it without revealing it. All I can say is that I have given some weight under s. 22(2)(a) in favour of disclosing this information.

Supplied in confidence – s. 22(2)(f)

[112] Section 22(2)(f) states that a relevant circumstance to consider under s. 22(1) is whether the personal information has been supplied in confidence.

[113] The College submits that the disputed personal information was supplied in confidence "given the confidential nature of the Inquiry Committee's investigation process."[90] The College notes s. 53(1) of the HPA, which requires it to preserve confidentiality over information received while exercising a power or performing a duty under the HPA. The College relies on Order F19-02 where the adjudicator held that, given s. 53(1) and the sensitivity of the complaints process, the objective expectation of the parties is that the information they supply will be "received and treated confidentially."[91]

[114] I see no basis to depart from the reasoning and conclusion in Order F19-02. The College's complaints process involves sensitive matters and s. 53(1) of the HPA is a clear indication that information supplied to the College is confidential. I find that s. 22(2)(f) weighs strongly against the disclosure of all the information that third parties supplied to the College for the purposes of investigations, including where that information is reproduced.

Extent of the Applicant's knowledge

[115] Past orders have considered the extent of the applicant's knowledge of the disputed information as a relevant circumstance under s. 22(2).[92]

[116] I accept that the Applicant likely already knows some of the information in dispute as a result of the information already disclosed and the Applicant's involvement in the facts underlying the records. However, I am not persuaded that this knowledge weighs in favour of disclosure in the particular circumstances of this case. Disclosing information that the Applicant likely already knows could lead, in combination with other available information, to accurate inferences

[89] Records for OIPC File No. F20-84192 at pp. 1781-1787, 1791-1797, 1809-1814, and 1832-1836 (and anywhere else where the same subject matter is discussed).
[90] College's submissions at para. 49.
[91] College's submissions, *ibid*, citing Order F19-02, *supra* note 76, at para. 68.
[92] See, for example, Order F21-08, 2021 BCIPC 12 at para. 192 (and the cases cited there).

about third-party personal information that I find, especially without submissions from the Applicant, that the Applicant likely does not know. The only exception here is the small amount of information that is solely the Applicant's personal information. The Applicant clearly knows this information, and this weighs heavily in favour of disclosure of that information.

Section 22(1) – Summary and conclusions

[117] To summarize, I found above that:

- Some of the disputed information is personal information. However, some is not personal information, so s. 22 does not apply and it must be disclosed to the Applicant.
- Section 22(4) does not apply to any of the disputed personal information.
- One or more of ss. 22(3)(a), 22(3)(b) and 22(3)(d) apply to all the disputed personal information, so disclosure of the information is presumed to be an unreasonable invasion of a third party's personal privacy.
- Section 22(2)(a) weighs in favour of disclosure of some disputed personal information, but s. 22(2)(f) weighs strongly against disclosure of all the information that third parties supplied to the College. The Applicant's knowledge weighs strongly in favour of disclosing information that is solely the Applicant's personal information but does not weigh in favour of disclosing any other disputed information.

[118] Having regard to all relevant circumstances, with one exception, I conclude that the s. 22(3) presumptions have not been rebutted and disclosure of the disputed personal information would be an unreasonable invasion of a third party's personal privacy. The only factor weighing in favour of disclosure of some information is s. 22(2)(a), but I am not persuaded that it is sufficient to overcome the s. 22(3) presumptions and the weight of s. 22(2)(f). The College is required under s. 22(1) to refuse the Applicant access to all the disputed personal information, except for the small amount of information that is solely the Applicant's personal information. Since this information is only about the Applicant, its disclosure would not be an unreasonable invasion of a third party's personal privacy.

Section 22(5) – Summary of information

[119] Section 22(5)(a) states that if a public body refuses to disclose personal information supplied in confidence about an applicant, the public body must give the applicant a summary of the information unless the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information.

[120] Some of the disputed personal information that third parties supplied in confidence to the College is about the Applicant and the third party. However, I am satisfied that a summary of that information cannot be prepared without disclosing the identity of the third party who supplied the personal information. The Applicant was involved in the matters dealt with in the records, which only involved a few individuals. I am satisfied that the Applicant could accurately infer the identities of the third parties from a summary. As a result, I conclude that the College is not required to provide a summary under s. 22(5).

CONCLUSION

[121] For the reasons given above, under s. 58 of FIPPA, I make the following orders:

1. Under s. 58(2)(b), I confirm the College's decision that it is authorized:

    a) under s. 14 to refuse access to all the information it withheld under that section; and

    b) under s. 13(1) to refuse access to some of the information it withheld under that section.

2. Under s. 58(2)(c), I require the College to refuse access to the information it withheld under s. 22(1) that I have not highlighted in a copy of the records that the OIPC will provide to the College with this order.[93]

3. Under s. 58(2)(a), I require the College to give the Applicant access to all the disputed information that I have highlighted in a copy of the records that the OIPC will provide to the College with this order, which is the information that I found the College is not authorized or required to withhold under ss. 13(1) and 22(1).

4. Under s. 58(4) of FIPPA, I require the College to concurrently copy the OIPC registrar of inquiries on its cover letter or email to the Applicant, together with a copy of the records, so that the OIPC can verify compliance with the orders above.

[93] Most of the highlighting is in the Supplemental Release package; however, some is in the other packages. Where the same records appear in the Supplemental Release package and another package, I have only highlighted the record in the Supplemental Release package because it reflects the College's most recent severing.

[123] Pursuant to s. 59(1) of FIPPA, the College must comply with this order by **November 6, 2023.**

September 21, 2023

ORIGINAL SIGNED BY

Ian C. Davis, Adjudicator

OIPC File No.: F20-84190
F20-84192