



Order F24-47

## FRASER HEALTH AUTHORITY

Celia Francis  
Adjudicator

June 5, 2024

CanLII Cite: 2024 BCIPC 55  
Quicklaw Cite: [2024] B.C.I.P.C.D. No. 55

**Summary:** The applicant requested access, under the *Freedom of Information and Protection of Privacy Act* (FIPPA), to records of his stay at a mental health facility in 2012 from the Fraser Health Authority (FHA). The FHA disclosed most of the responsive records but withheld a few sentences under s. 22(1) of FIPPA (unreasonable invasion of third-party privacy). The adjudicator found that s. 22(1) applies to the withheld personal information but ordered the FHA to provide the applicant with a summary of personal information that the third parties provided about the applicant to the FHA, under s. 22(5) of FIPPA.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, ss. 5(1)(b), 22(1), 22(2)(e), 22(2)(f), 22(2)(i), 22(3)(h), 22(4)(a), 22(5) and Schedule 1 (definitions of “personal information” and “contact information”); *Freedom of Information and Protection of Privacy Regulation*, BC Reg. 155/2012, ss. 5(1)(a)(ii) (definition of “appropriate person”) and 5(2)(h); *Interpretation Act*, RSBC 1996, c. 238, s. 29.

## INTRODUCTION

[1] This order concerns an applicant’s request to the Fraser Health Authority (FHA), under the *Freedom of Information and Protection of Privacy Act* (FIPPA), for access to his mental health records for a ten-day period in April 2012. The FHA disclosed the responsive records but withheld some information under s. 22(1) of FIPPA (unreasonable invasion of third-party privacy).

[2] The applicant requested a review of the FHA’s decision by the Office of the Information and Privacy Commissioner (OIPC). Mediation by the OIPC did not resolve the issues and the matter proceeded to inquiry. The OIPC issued a notice of inquiry that said the issue to be decided was whether the FHA was required to refuse to disclose the information at issue under s. 22(1) of FIPPA. The OIPC received submissions from the applicant and the FHA.

[3] After the OIPC issued the notice of inquiry, but before submissions were due, the FHA disclosed a telephone number it had withheld on one page.

### **PRELIMINARY MATTER**

[4] Some of the information that the FHA withheld under s. 22(1) relates to the applicant's sister who died in June 2023. The applicant provided documentary evidence to establish that he was the executor of his late sister's will. The applicant said that, as her executor, he was authorizing the release of any of her personal information in the responsive records to him.

[5] The FHA's reply submission then raised the issue of s. 5(1)(b) of FIPPA, which says: "To obtain access to a record, the applicant must make a written request that ... (b) provides written proof of the authority of the applicant to make the request, if the applicant is acting on behalf of another person in accordance with the regulations, ..."

[6] The OIPC then invited the parties to provide submissions on the application of s. 5(1)(b) of FIPPA. Upon review of the submissions, I wrote to the parties to say I found there may be a misunderstanding as to what provisions of FIPPA are at issue in this case.

[7] I told the parties that, as I read the applicant's submission, he was not making an access request on behalf of his deceased sister under s. 5(1)(b) of FIPPA. The applicant made his access request to the public body before his sister's death. Rather, it appeared to me the applicant was arguing, as his deceased's sister executor, that he is an "appropriate person" under s. 5(1)(a)(ii) of the *Freedom of Information and Protection of Privacy Regulation* (Regulation) to authorize the disclosure of her personal information in the responsive records under s. 5(2)(h) of the Regulation.

[8] Thus, I told the parties I believed that the relevant provisions were s. 5(2)(h) of the Regulation and s. 33(2)(c) of FIPPA. I invited the parties to provide further submissions on these provisions which they did. I also invited the applicant to provide explicit consent from his mother and his wife for disclosure of their personal information to him but he did not do so.

### **ISSUES AND BURDEN OF PROOF**

[9] The issues to be decided in this inquiry are as follows:

1. Whether, under s. 5(2)(h) of the Regulation, the applicant may act for his deceased sister in relation to s. 33(2)(c) of FIPPA.

2. Whether s. 22(1) of FIPPA requires the FHA to withhold information from the applicant.

[10] Section 57 of FIPPA does not state who has the onus for establishing that s. 5 of the Regulation applies. In such a case, both parties are responsible for providing argument and evidence to support their positions.<sup>1</sup>

[11] Under s. 57(2) of FIPPA, the applicant has the burden of proof under s. 22(1). However, the FHA has the initial burden of proving the information at issue qualifies as personal information.<sup>2</sup>

## DISCUSSION

### *Records*

[12] The 148 pages of responsive records relate to the applicant's 10-day stay in an FHA mental health facility in April 2012. The FHA disclosed the majority of the records, withholding a few sentences on pages 16-19, 86, 89, 99 and 146 under s. 22(1) of FIPPA. These withheld sentences are the information in dispute.

### *Relevant provisions*

[13] The following provisions are relevant in this case: s. 5(2)(h) of the Regulation, s. 5(1)(a)(ii) of the Regulation, s. 29 of the *Interpretation Act* and s. 33(2)(c) of FIPPA.

[14] Under s. 5(2)(h) of the Regulation, an "appropriate person" may act for a deceased individual in relation to s. 33(2)(c). Section 5(2)(h) reads as follows:

5(2) If an individual is deceased, an appropriate person may act for the deceased in relation to any of the following sections of the Act:

...

(h) section 33(2)(c).

[15] Section 5(1)(a)(ii) of the Regulation defines "appropriate person" as follows:

5 (1) In this section:

"appropriate person" means,

(a) in respect of a deceased adult, one of the following:

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<sup>1</sup> Order F14-22, 2024 BCIPC 28; Order F23-92, 2023 BCIPC 108 at para 10; Order F21-44, 2021 BCIPC 52 at paras 13-17; Order F18-08, 2018 BCIPC 10 at para 7; Order F17-04, 2017 BCIPC 4 at para 4; Order F15-36, 2015 BCIPC 39 at para 5.

<sup>2</sup> Order 03-41, 2003 CanLII 49220 (BCIPC) at paras. 9–11.

...  
(ii) if there is no committee acting for the deceased, the personal representative of the deceased; ...

[16] Section 29 of the *Interpretation Act* defines “personal representative” as follows:

"personal representative" includes an executor of a will and an administrator with or without will annexed of an estate, and, if a personal representative is also a trustee of part or all of the estate, includes the personal representative and trustee;

[17] Under s. 33(2) of FIPPA, a public body may disclose personal information in specified circumstances. Section 33(2)(c) reads as follows:

33(2) A public body may disclose personal information in any of the following circumstances:

...  
(c) if the individual the information is about has identified the information and has consented, in the prescribed manner, to the disclosure;...

### ***Does s. 5(2)(h) of the Regulation apply?***

[18] While this issue arose in the context of an access request under FIPPA, an access request is not necessary to trigger s. 5(2)(h) of the Regulation and s. 33(2)(c) of FIPPA. The various issues and individuals in this case are related, however, so I will deal with s. 5(2)(h) as part of this inquiry.

[19] The first question is whether the applicant is an “appropriate person” under s. 5(1)(a)(ii) of the Regulation to act for his deceased sister. The second question is whether he is “acting for” her under s. 5(2)(h) of the Regulation.

### ***Is the applicant an “appropriate person”?***

[20] As noted above, the applicant said he is his deceased sister’s executor and provided documentary evidence of this. He said, as her executor, he authorizes disclosure of her personal information in the responsive records to himself.<sup>3</sup>

[21] The FHA acknowledged that the applicant provided proof that he is his late sister’s executor and is thus an “appropriate person” under s. 5(1)(a)(ii) of the Regulation.<sup>4</sup>

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<sup>3</sup> Applicant’s responses and attachments.

<sup>4</sup> FHA’s reply, pp. 1-2.

[22] I find that the applicant, as his late sister's executor, is her "personal representative" and thus an "appropriate person" for the purposes of s. 5(1)(a)(ii) of the Regulation.

*Is the applicant "acting for" his deceased sister?*

[23] Past orders have found that acting for, or on behalf of, a deceased individual means that a person is acting to the benefit of, or in the best interests of, the deceased.<sup>5</sup> Previous orders have also said that, if an applicant is seeking the information in question to further his own interests, he is not acting for, or on behalf of, another individual pursuant to s. 5 of FIPPA or s. 5 of the Regulation.<sup>6</sup> Where an applicant is not truly acting for or "on behalf" of an individual, the access request is to be treated as an ordinary, arm's length request under FIPPA, by one individual for another's personal information.<sup>7</sup>

[24] Past orders have generally dealt with an applicant's attempt to access a minor's or a deceased's personal information by first considering if the applicant has established he is acting for, or on behalf of, the child or deceased and is entitled to exercise their access rights under FIPPA.<sup>8</sup> I will take the same approach here.

[25] The applicant submitted the following in support of his position:

My sister's will designate [*sic*] me as the executor of her will. As executor of her estate, I give permission for her information on me to be released as well.

As executor, I release her information from my personal medical files.

I have a right to my personal medical information to be unredacted ...<sup>9</sup>

[26] Apart from this, the applicant did not explain how he was acting for, or on behalf of, his deceased sister in authorizing disclosure to him of her personal information. The information in question consists of the sister's comments about the applicant. She is identifiable as the source of the information but it is not otherwise about her. Nevertheless, as discussed below, it is the personal information of both the sister and the applicant because the sister provided it.

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<sup>5</sup> See, for example, Order F18-08, 2018 BCIPC 10 (CanLII), with reference to Order F17-04, 2017 BCIPC 4 (CanLII).

<sup>6</sup> For example, see: Order 17-04, 2017 BCIPC 04 (CanLII) at paras. 18-20; Order F07-16, 2007 CanLII 35477 (BC IPC) at paras. 19-20; Order 02-44, 2002 CanLII 42478 (BCIPC) at paras. 39-40; and Order No. 53-1995, 1995 CanLII 1121 (BC IPC) at p. 6.

<sup>7</sup> Order 00-40, 2000 CanLII 14405 (BC IPC) at para. 40.

<sup>8</sup> For example, Order F24-22, 2024 BCPA 28 (CanLII).

<sup>9</sup> Applicant's emails of November 28, 2023.

[27] While I acknowledge the applicant has a right of access to his personal information, more is required for him to access other people's personal information. His argument on this point only suggests he is acting in his own best interests. I find that the applicant has not established that he is acting for his deceased sister in authorizing disclosure of her personal information to him. In keeping with previous orders, I will now consider the applicant's request as an arm's length one under s. 22(1), regarding any third-party personal information in the records.<sup>10</sup>

***Unreasonable invasion of third-party personal privacy – s. 22(1)***

[28] The approach to applying s. 22(1) of FIPPA, which I will follow, has long been established. See, for example, Order F15-03, where the adjudicator said this:

Numerous orders have considered the approach to s. 22 of FIPPA, which states that a "public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy." This section only applies to "personal information" as defined by FIPPA. Section 22(4) lists circumstances where s. 22 does not apply because disclosure would not be an unreasonable invasion of personal privacy. If s. 22(4) does not apply, s. 22(3) specifies information for which disclosure is presumed to be an unreasonable invasion of a third party's personal privacy. However, this presumption can be rebutted. Whether s. 22(3) applies or not, the public body must consider all relevant circumstances, including those listed in s. 22(2), to determine whether disclosing the personal information would be an unreasonable invasion of a third party's personal privacy.<sup>11</sup>

*Is the information personal information?*

[29] FIPPA defines "personal information" as recorded information about an identifiable individual, other than contact information. "Contact information" is defined 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."<sup>12</sup>

[30] The FHA said that the information in dispute is "collateral source information (comments, concerns, and opinions) shared by third parties with health professionals regarding the Applicant". The FHA said that the information is the personal information of both the applicant and the "collateral sources" who are identifiable either by name or from the context.<sup>13</sup>

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<sup>10</sup> See Order F24-05, 2024 BCIPC 25 (CanLII), 2024 BCIPC 7 (CanLII), at para. 29.

<sup>11</sup> Order F15-03, 2015 BCIPC 3 (CanLII), at para. 58.

<sup>12</sup> The definitions of personal information and contact information are in Schedule 1, FIPPA.

<sup>13</sup> FHA's initial submission, para. 11. The quotes both come from this paragraph.

[31] The applicant did not address this issue directly but appears to acknowledge that the information in dispute relates to his family, as well as himself.<sup>14</sup>

[32] The information in dispute is about identifiable individuals, principally the applicant but also third parties. It is not “contact information”. I find that it is personal information.

[33] Most of the information in dispute consists of third parties’ comments and opinions about the applicant. Past orders have said that comments and opinions a third party provides about an applicant are the personal information of both individuals.<sup>15</sup>

[34] A small amount of the withheld personal information is only about third parties, in the form of their views and feelings about themselves.

*Does s. 22(4) apply?*

[35] Section 22(4) lists circumstances where s. 22 does not apply because disclosure would not be an unreasonable invasion of personal privacy. The FHA said that s. 22(4) does not apply here.<sup>16</sup> The applicant appears to rely on s. 22(4)(a) which reads as follows:

22(4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

(a) the third party has, in writing, consented to or requested the disclosure,

...

Section 22(4)(a) and the applicant’s mother

[36] The applicant said that his mother had given her permission for her personal information to be disclosed to him. He provided an undated, handwritten note from his mother to a named investigator<sup>17</sup> saying it would be “beneficial” for her son to receive his own unredacted personal health records from his ten-day stay in April 2012 in a named mental health facility.<sup>18</sup>

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<sup>14</sup> Applicant’s response.

<sup>15</sup> Order F22-62, 2022 BCIPC 70 (CanLII), para. 54.

<sup>16</sup> FHA’s initial submission, para. 15.

<sup>17</sup> It is not clear who this investigator is. It is not an OIPC investigator.

<sup>18</sup> Applicant’s response.

[37] The FHA said the mother's apparent written authorization only applies to information she provided but does not cover information she and other individuals provided.<sup>19</sup>

[38] The applicant did not explain why or when his mother wrote the undated note. In any case, while the mother said it would be "beneficial" for the applicant to receive his personal information, she did not explicitly consent to the applicant receiving any personal information about the applicant she may have provided to the FHA.

Section 22(4)(a) and the rest of the applicant's family

[39] Regarding his wife, the applicant said this:

I have not been married for 10 years. My ex-wife has relinquished all holds and responsibilities of my personal medical involvement in our separation agreement 10 years ago.<sup>20</sup>

[40] He also said his now-adult children consent to disclosure of his medical information. The applicant did not provide documentary evidence of their consent. In any event, the information in dispute contains no personal information that the children (then quite young) may have provided about the applicant to the FHA.

[41] There is also no indication that the now-deceased father provided consent, before his death, for disclosure of any personal information about the applicant he may have provided to the FHA.

Conclusion on s. 22(4)

[42] Based on the above, I find that s. 22(4)(a) does not apply here.

[43] There is no basis for finding that the rest of s. 22(4) applies here, either. The personal information at issue does not, for example, relate to any third party's position, functions or remuneration as an officer, employee or member of a public body (s. 22(4)(e)).

*Presumed unreasonable invasion of third-party privacy – s. 22(3)*

[44] Section 22(3) specifies information for which disclosure is presumed to be an unreasonable invasion of a third party's personal privacy. The FHA said that none of the presumptions in s. 22(3) applies to the information in dispute,

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<sup>19</sup> FHA's reply, p. 1.

<sup>20</sup> Email of April 4, 2024 to FHA.



although it acknowledged that s. 22(3)(h)(ii) might apply. The applicant did not explicitly address this provision.

[45] Section 22(3)(h)(ii) reads as follows:

22(3) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

...

(h) the disclosure would reveal

...

(ii) the content of a personal recommendation or evaluation, character reference or personnel evaluation supplied, in confidence, by a third party, if the applicant could reasonably be expected to know the identity of the third party,

...

[46] As the FHA pointed out, past orders have found that s. 22(3)(h)(i) applies in the context of workplace investigations or human resources, to the types of information that arise in the course of formal performance evaluations or similar activities.<sup>21</sup> This is not the case here. I find that s. 22(3)(h)(i) does not apply to the information in dispute.

### Conclusion on s. 22(3)

[47] Insofar as the records contain medical information (s. 22(3)(a)), it is about the applicant, not third parties. The information in dispute also does not relate to any of the other matters in s. 22(3), including eligibility for income assistance (s. 22(3)(c)) or employment history (s. 22(3)(d)).

[48] I find, therefore, that the personal information in dispute does not fall under any of the s. 22(3) presumptions.

### *Relevant Circumstances*

[49] The final step in a s. 22 analysis is to consider the impact of disclosure of the personal information in light of all relevant circumstances, including those listed in s. 22(2). It is at this stage that any presumptions under s. 22(3) may be rebutted, although there are no presumptions to rebut in this case.

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<sup>21</sup> FHA's initial submission, paras. 17-18, with reference to Order F22-62, 2022 BCIPC 70 (CanLII), para. 40. See also Order F20-13, 2020 BCIPC 15, at paras. 60-61.

[50] The relevant circumstances listed in s. 22(2) are these:

22(2) In determining under subsection (1) or (3) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

- ...
  - (e) the third party will be exposed unfairly to financial or other harm,
  - (f) the personal information has been supplied in confidence,
  - ...
    - (i) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.

Unfair exposure to harm – s. 22(2)(e)

[51] FHA said that disclosure of the information in dispute might have “significant adverse consequences”, as it refers to the applicant “becoming very agitated and angry, lacking insight, and engaging in verbal aggression towards family members”.<sup>22</sup> The FHA appears to be referring, obliquely, to the factor in s. 22(2)(e) but it does not elaborate.<sup>23</sup>

[52] The applicant did not address this factor.

[53] The applicant is well aware, based on the information that has already been disclosed to him, that his family considered him aggressive, agitated and angry in 2012, at least before he received treatment. The FHA provided no information about the applicant's current state of mind or behaviour. The FHA also did not explain what it thought the applicant might do on receiving the information in dispute. For example, the FHGA did not say it thought the applicant might act aggressively towards his family upon receiving the withheld personal information. I find that s. 22(2)(e) does not apply here.

Supplied in confidence – s. 22(2)(f)

[54] The FHA said that it considers the factor in s. 22(2)(f) to be engaged, as people generally provide information in confidence to health professionals.<sup>24</sup>

[55] The applicant did not address this factor.

<sup>22</sup> FHA's initial submission, para. 27.

<sup>23</sup> FHA's initial submission, para. 23.

<sup>24</sup> FHA's initial submission, paras. 20-22.

[56] Past orders have found that people generally supply information in confidence to health care professionals and that this factor weighs in favour of withholding information in dispute.<sup>25</sup>

[57] In this case, I infer from the context that the third parties supplied personal information, in confidence, about the applicant to health professionals. As noted above, such personal information is about both the applicant and the third parties. Third parties also provided a small amount of personal information, solely about themselves, in confidence, to the FHA.

[58] I find that the circumstance in s. 22(2)(f) applies, favouring withholding both types of third-party personal information.

#### Deaths of father and sister – s. 22(2)(i)

[59] The FHA did not explicitly discuss this factor.

[60] The applicant's submission indicates that he considers the deaths of his father and sister to be a relevant circumstance, favouring disclosure.

[61] FIPPA does not set out a specific timeframe after which disclosure of a third party's personal information is not an unreasonable invasion of privacy. However, past orders have found that a deceased's privacy rights are likely to continue for at least 20 years after death.<sup>26</sup>

[62] In this case, the applicant's sister died about a year ago and the father died less than two years ago. I conclude that their privacy rights have not diminished in the periods since their deaths. As such, I find that s. 22(2)(i) does not weigh in favour of disclosure.

#### Sensitivity of information

[63] The FHA said that a relevant factor is that the information is extremely sensitive.<sup>27</sup>

[64] The applicant did not address this factor.

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<sup>25</sup> Order F23-80, 2023 BCIPC 96, para. 80; Order F22-62, 2022 BCIPC 70 (CanLII), para. 51.

<sup>26</sup> Order F24-05, 2024 BCIPC 7 (CanLII), paras. 46-48; Order F23-92, 2023 BCIPC 108, paras. 60-63.

<sup>27</sup> FHA's initial submission, paras. 25-26.

[65] The sensitivity of the withheld information is not listed as a factor in s. 22(2). However, past orders have said that, where the sensitivity of withheld information is high, this favours withholding the information at issue.<sup>28</sup>

[66] The information at issue is highly sensitive information, either about third parties only or because it consists of the third parties' comments and opinions about the applicant. I find that this factor favours withholding both types of personal information.

#### Applicant seeks own personal information

[67] The FHA acknowledged that another relevant, unlisted factor is that the applicant is seeking his own personal information.<sup>29</sup>

[68] I acknowledge this and find that this factor favours disclosure of the joint personal information, i.e., the personal information that third parties provided about the applicant.<sup>30</sup>

#### Applicant's prior knowledge

[69] Neither party addressed this unlisted factor. Past orders have found that an applicant's prior knowledge of personal information can favour disclosure, depending on the circumstances.<sup>31</sup>

[70] The withheld information is the same as, or similar in character or content to, the disclosed information. I find that the applicant's knowledge of these types of information favours disclosure of the third-party comments and opinions about him but not the personal information that is solely about third parties.

#### *Conclusion on s. 22(1)*

[71] I found above that the information in dispute is personal information of both the applicant and third parties. Most is about the applicant intertwined with third-party personal information. A small amount is only about third parties.

[72] I also found that ss. 22(4) and 22(3) do not apply.

[73] I also found that ss. 22(2)(e) and (i) do not apply but that s. 22(2)(f) does, favouring withholding all of the information in dispute.

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<sup>28</sup> Order F24-05, 2024 BCIPC 7 (CanLII), paras. 55-56; Order F20-23, 2020 BCIPC 15 (CanLII), para. 74.

<sup>29</sup> FHA's initial submission, para. 24.

<sup>30</sup> Order F22-62, 2022 BCIPC 70 (CanLII), paras. 53-54, came to a similar conclusion.

<sup>31</sup> Order F23-92, 2023 BCIPC 108 (CanLII), paras. 67-68; Order F24-05, 2024 BCIPC 7 (CanLII), paras. 52-54.

[74] I also found that the sensitivity of the withheld personal information favours withholding the information in dispute, both the joint personal information and the personal information solely about third parties.

[75] However, I also found that the applicant's knowledge of some of the withheld information and the fact that he is seeking his own personal information favour disclosure of the personal information that third parties provided about him.

#### Personal information solely about third parties

[76] The applicant has not, in my view, met his burden of proof regarding the small amount of personal information that is solely about third parties. I find that s. 22(1) applies to this information.

#### Personal information third parties provided about applicant

[77] I found that the withheld joint personal information about the applicant and the third parties is the same as, or similar in content and character to, the disclosed information. However, this factor is outweighed by the fact that the third parties provided this withheld information in confidence.

[78] I also take into account that any third parties who may still be alive have not explicitly consented to the disclosure of the personal information that they provided about the applicant.

[79] In light of these factors, I consider that it would not be reasonable to disclose the personal information that third parties provided in confidence about the applicant, because it could not be disclosed without revealing the identities of those third parties.

[80] The applicant has not, in my view, met his burden of proving that disclosure of the joint personal information would not be an unreasonable invasion of third-party personal privacy. I find, therefore, that s. 22(1) applies to the withheld joint personal information that third parties provided about the applicant.

[81] This is not the end of the matter, however, as s. 22(5) now comes into play.

#### *Section 22(5) - summary*

[82] Section 22(5) of FIPPA requires a public body to give an applicant a summary of information that was supplied in confidence by a third party, unless doing so would reveal the identity of the third party:

22(5) On refusing, under this section, to disclose personal information supplied in confidence about an applicant, the head of the public body must give the applicant a summary of the information unless

- (a) the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information, or
- (b) with respect to subsection (3) (h), either paragraph (a) of this subsection applies or the applicant could reasonably be expected to know the identity of the third party who supplied the personal recommendation or evaluation, character reference or personnel evaluation.

[83] The FHA is of the view that a summary cannot be prepared without revealing the identities of third parties who supplied the information, given the context and the content of the information.<sup>32</sup> The applicant did not address this issue.

[84] I am of the view that it is possible for the FHA to provide the applicant with a summary of the withheld personal information that the third parties provided about the applicant, without revealing their identities. I make the appropriate order below.

## **CONCLUSION**

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

1. I require the FHA to refuse access to the personal information withheld under s. 22(1).
2. Under s. 58(2)(a), I require the FHA to perform its duty under s. 22(5) to provide the applicant with a summary of the personal information that the third parties provided in confidence about the applicant.
3. As a condition under s. 58(4), I require the FHA to provide me with a copy of the s. 22(5) summary for my approval no later than five business days before the compliance date for this order specified below, i.e., no later than July 11, 2024.

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<sup>32</sup> FHA's initial submission, para. 31.

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[86] Pursuant to s. 59(1) of FIPPA, the public body is required to comply with this order by July 18, 2024. The public body must concurrently copy the OIPC registrar of inquiries on its cover letter to the applicant, together with a copy of the s. 22(5) summary mentioned in the previous paragraph.

June 5, 2024

**ORIGINAL SIGNED BY**

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Celia Francis, Adjudicator

OIPC File No.: F22-88742