



Order P26-08

## ALLIED COAST THERAPY

Lisa Siew  
Adjudicator

May 22, 2026

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**Summary:** An individual (the Complainant) complained to the Office of the Information and Privacy Commissioner (OIPC) that a \$300 fee assessed by an organization for processing their access request was not a minimal fee as required by s. 32(2) of the *Personal Information Protection Act* (PIPA). At an inquiry into the fee complaint, the adjudicator found the \$300 fee did not comply with s. 32(2) of PIPA and reduced the fee to \$54. The Complainant also requested the OIPC waive the fee; however, the adjudicator concluded there was insufficient evidence to prove it was appropriate to grant the individual's request to excuse the fee under s. 52(3)(c) of PIPA.

**Statutes and sections considered:** *Personal Information Protection Act*, SBC 2003 c 63, ss. 23(1)(a), 32(2), 36(2)(c) and 52(3)(c).

### INTRODUCTION

[1] This inquiry is about whether an organization's fee estimate in response to an individual's access request is minimal under s. 32(2) of the *Personal Information Protection Act* (PIPA).

[2] An individual (the Complainant) requested Allied Coast Therapy (the Organization) provide them with access to their personal information.<sup>1</sup> The Complainant was in a motor vehicle accident and had received treatments from some of the Organization's healthcare providers. The Complainant's access request to the Organization included a request for all their treatment records prepared by a registered massage therapist and a physiotherapist.

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<sup>1</sup> Section 23(1)(a) of PIPA gives individuals a right to access their personal information under the control of an organization, subject to any exceptions or exclusions under PIPA.

[3] Section 32(2) of PIPA permits organizations to charge a “minimal fee” for providing an individual access to their personal information. The Organization charged the Complainant a total fee of \$300 to process their access request.

[4] The Complainant did not pay the \$300 fee and filed a complaint with the Office of the Information and Privacy Commissioner (OIPC) about the Organization’s fee estimate. The OIPC’s investigation process did not resolve the fee complaint, and the matter proceeded to this inquiry for adjudication.

[5] The Complainant also has a motor vehicle injury claim with the Insurance Corporation of BC (ICBC) regarding the accident. ICBC is the sole provider of universal and compulsory basic auto insurance in BC.

### **PRELIMINARY MATTERS**

[6] Based on my review of the parties’ submissions, there are a few preliminary matters that I need to address. First, the Complainant alleges the Organization has increased the fee amount. Second, the parties disagree on whether a fee waiver is available under PIPA. Lastly, the parties’ submissions include matters or complaints that were not included in the OIPC’s notice of inquiry. I will address those preliminary matters below.

#### *Has the Organization increased the fee amount?*

[7] The Organization charged the Complainant a \$300 fee for access to their personal information. Throughout its inquiry submission, the Organization argues the \$300 fee is minimal under s. 32(2) of PIPA.<sup>2</sup> However, as part of its inquiry submission, the Organization also provided a description and breakdown of the work that it says is needed to process the Complainant’s access request which totals \$547.39. Based on that information, the Complainant alleges the Organization has inappropriately increased the fee amount from \$300 to \$547.39.<sup>3</sup>

[8] As I will explain, I find the Organization has not increased the fee that it charged the Complainant under s. 32(2) of PIPA. The Organization did not say it increased the fee amount, nor has it argued the \$547.39 is a minimal fee under PIPA. Instead, I see the Organization’s description of its work totaling \$547.39 as evidence to support its argument that the \$300 fee that it charged is minimal under PIPA. Specifically, the Organization has said the \$300 fee does not cover all its costs to process the access request but “reflects a reasonable and proportionate administrative charge given the scope and structure of the [Complainant’s access] request.”<sup>4</sup> Therefore, I conclude the Organization has not

<sup>2</sup> For example, Organization’s submission dated March 25, 2026 at pp. 4-6 of the pdf.

<sup>3</sup> Complainant’s email submission dated March 30, 2026 at pp. 2-3 and 8.

<sup>4</sup> Organization’s submission dated March 25, 2026 at p. 4 of pdf.

increased the fee amount to \$547.39 and the charged fee under review in this inquiry is \$300.

*Is a fee waiver available under PIPA?*

[9] The Complainant has asked the Organization and the OIPC to waive the \$300 fee charged by the Organization. Among other things, the Complainant says they cannot afford the fee. The parties disagree on whether a fee waiver is permitted under PIPA. I will address the parties' submissions about a fee waiver under PIPA based on the following two questions: (1) Is there a provision in PIPA that allows the Organization to grant the Complainant a fee waiver?; and (2) Is there a provision in PIPA that allows the Commissioner or their delegate to grant a fee waiver?

[10] Starting with the first question, the Organization says there is no provision in PIPA that would allow it to waive the fee that it charged the Complainant under s. 32(2) of PIPA because of financial hardship.<sup>5</sup> I agree that PIPA has no provision that would allow an organization, upon an applicant's request, to waive a fee that it charges an access applicant under s. 32(2).<sup>6</sup> However, an organization can choose not to charge a fee.

[11] An organization's authority to charge an access applicant a fee comes from s. 32(2) of PIPA which reads:

32(2) An organization may charge an individual who makes a request under section 23 a minimal fee for access to the individual's personal information that is not employee personal information concerning the individual. [My emphasis]

[12] The word "may" in s. 32(2) of PIPA means an organization's decision to charge a fee is discretionary. Therefore, an organization's decision not to charge a fee under s. 32(2) of PIPA has the same effect as a fee waiver because the access applicant is not required to pay the organization a fee for obtaining access to their personal information.

[13] In the present case, the Organization decided to charge the Complainant a \$300 fee under s. 32(2) of PIPA. The Organization has also informed the Complainant that it "would not waive the fee consistent with clinic policy."<sup>7</sup> In other words, the Organization is not willing to change its mind about charging the Complainant a fee under s. 32(2) of PIPA. Therefore, the Complainant's request

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<sup>5</sup> Organization's submission dated March 25, 2026 at p. 8 of pdf.

<sup>6</sup> In contrast to PIPA, under s. 75(5)(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165, the head of a public body may excuse an applicant from paying all or part of a fee if it receives a written request from the applicant and, in the head's opinion, the applicant cannot afford the payment or it is fair to excuse payment for any other reason.

<sup>7</sup> Organization's submission dated March 25, 2026 at p. 2 of pdf.

to waive the assessed fee based on an inability to pay can only come from another source, which leads to the second question: Is there a provision in PIPA that allows the Commissioner or their delegate to grant a fee waiver?

[14] Section 52 of PIPA authorizes the Commissioner or their delegate at an inquiry to, among other things, excuse or reduce a fee. The relevant provisions read:

52(1) On completing an inquiry under section 50, the commissioner must dispose of the issues by making an order under this section.

52(3) If the inquiry is into a matter not described in subsection (2), the commissioner may, by order, do one or more of the following:

(c) confirm, excuse or reduce a fee, or order a refund, in the appropriate circumstances;

[15] In interpreting s. 52(3)(c) of PIPA, the adjudicator in Order P08-02 concluded the Commissioner's power to review fees under PIPA is broad and that s. 52(3)(c) should be interpreted as granting the Commissioner the discretion to determine the appropriate circumstances in which a fee should be reduced or excused, including a situation where the applicant argues that they are genuinely unable to pay the fee.<sup>8</sup> I agree with that finding and conclude a full or partial fee waiver based on an inability to pay is permitted under s. 52(3)(c) of PIPA. I will, therefore, consider the Complainant's request for a fee waiver based on an inability to pay in my analysis further below.

*Additional matters in the Complainant's submissions*

[16] The Complainant's submissions include matters that fall outside the issues identified in the OIPC's notice of inquiry provided to the parties. For example, the Complainant made arguments about the accuracy of their clinical records and the failure of the Organization to correct their personal information in those records. The Complainant also alleged the Organization and ICBC breached the Complainant's privacy and that the Organization's employees or healthcare providers acted inappropriately. The Complainant also detailed their problems and concerns with ICBC's handling of their motor vehicle injury claim.

[17] Although I can see how important the Complainant finds those additional matters, I conclude those matters fall outside the scope of this inquiry. My role, as the Commissioner's delegate, is limited to determining the single issue identified in the notice of inquiry which was provided to the parties. It is also not within my jurisdiction under PIPA to review or decide the Complainant's other grievances and complaints about ICBC and the Organization's employees.

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<sup>8</sup> Order P08-02, 2008 CanLII 30215 (BCIPC) at paras. 36-37 and 52.

Therefore, although I have reviewed all the materials provided by the Complainant, I will only refer to the Complainant's submissions and evidence where it is relevant to the issue that I am deciding in this proceeding.

*Additional matter in the Organization's submission*

[18] The Organization has requested the Commissioner conduct a "broader, updated review of what constitutes a reasonable or minimal fee" under PIPA so those fees "reflect current practice realities and ensures consistency and fairness across professions."<sup>9</sup> Among other things, the Organization says the review should take into account the true administrative workload, regulatory obligations, and evolving standards of care for healthcare providers today and include discussions with professional associations as part of the review process.<sup>10</sup>

[19] The Complainant argues the Organization's request for a broad review of PIPA's fee provisions is not an issue in this inquiry but a matter for the Legislature and should not be an excuse for the Organization to ignore established law about PIPA's fee provisions to suit the Organization's business model.<sup>11</sup>

[20] I agree that the Organization's request for a broad review of PIPA's fee provisions is not within the scope of this inquiry. My role, as the Commissioner's delegate, is to decide the single fee complaint at issue in this inquiry between the Complainant and the Organization, taking into account the relevant circumstances, the applicable legislative provisions and any existing jurisprudence about those provisions.

[21] The proper forum for the Organization's concerns may be through the special committee of the Legislative Assembly that is required to periodically review PIPA and provide a report to the Legislative Assembly with any recommended amendments to PIPA.<sup>12</sup> I note the special committee's next review is scheduled to take place in 2026 and the Organization could have an opportunity to bring forward its concerns and recommendations about PIPA's fee provisions to the special committee for consideration.

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<sup>9</sup> Organization's submission dated March 25, 2026 at p. 10 of pdf.

<sup>10</sup> The OIPC did not invite any other persons to participate in this inquiry and none of the parties requested that I notify and invite any other person to provide submissions for this inquiry in accordance with ss. 48(1)(b) and 48(2) of PIPA (notifying an appropriate person of the complaint) and s. 50(3) of PIPA (giving the appropriate person an opportunity to make a submission in the inquiry).

<sup>11</sup> Complainant's submission dated March 30, 2026 at p. 7 of pdf.

<sup>12</sup> Section 59 of PIPA.

## ISSUE AND BURDEN OF PROOF

[22] The issue I must decide in this inquiry is whether the \$300 fee charged by the Organization complies with s. 32(2) of PIPA.

[23] Section 51 of PIPA identifies the burden of proof in inquiries, but it does not specify which party has the burden to prove the above-noted issue. However, previous OIPC orders that have decided fee complaints involving s. 32(2) have found that each party must provide argument and evidence to support their position in the inquiry.<sup>13</sup> I adopt that approach here.

## INFORMATION AND DOCUMENTS AT ISSUE

[24] The Complainant requested the Organization provide them with their personal information and specifically requested the following documents:

- Their treatment records for their massage therapy and physiotherapy sessions received at the clinic;
- All therapist notes and treatment session documentation;
- Any correspondence between ICBC and the Organization or its providers;
- Reports, assessments or updates shared with or received from ICBC; and
- Any other documentation relevant to the Complainant's care or their claim.<sup>14</sup>

[25] The Organization submits the documents in its control containing the Complainant's personal information total 45 pages<sup>15</sup> and include the following: full clinical charts from two providers (massage therapy and physiotherapy); treatment notes and session documentation; and ICBC-related reports submitted through insurer portals.<sup>16</sup>

## DISCUSSION

### ***Fee Complaint under PIPA***

[26] Section 32(2) of PIPA allows an organization to charge an individual a minimal fee for providing that individual with access to their personal information, except for any information that is the individual's "employee personal information."<sup>17</sup> If an individual disagrees with the assessed fee, then the

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<sup>13</sup> For example, Order P25-08, 2025 BCIPC 105 (CanLII) at para. 8 and Order P23-03, 2023 BCIPC 36 (CanLII) at para. 9.

<sup>14</sup> Complainant's email to the Organization dated May 14, 2025.

<sup>15</sup> Number of pages identified on page 1 of document titled, "Clinical Records Fee Explanation – Customized Breakdown" which was included with Organization's March 25, 2026 submission.

<sup>16</sup> Organization's submission dated March 25, 2026 at p. 3 of pdf.

<sup>17</sup> The term "employee personal information" is defined in s. 1 of PIPA.

individual can submit a fee complaint to the OIPC.<sup>18</sup> If the OIPC conducts an inquiry into a fee complaint, then s. 52(3)(c) of PIPA gives the Commissioner or their delegate the authority to confirm, excuse or reduce a fee, or order a refund, in the appropriate circumstances.

[27] Based on my review of past OIPC orders, I conclude the proper analytical approach for a fee complaint that has been forwarded to inquiry is as follows:

1. Does the assessed fee qualify as a minimal fee under s. 32(2) of PIPA?
2. If the assessed fee does not qualify as a minimal fee, what would be a minimal fee given the circumstances and what approach should be used to make that determination?
3. If the assessed fee is a minimal fee, or after a determination is made about what qualifies as a minimal fee, are there any circumstances that would make it appropriate to confirm, excuse or reduce the fee, or order a refund where the access applicant has already paid the fee?<sup>19</sup>

[28] I will apply this approach below.

### **1. Does the \$300 fee qualify as a “minimal fee” under s. 32(2) of PIPA?**

[29] PIPA does not define what is a “minimal fee” nor does it specify what type of services or charges an organization can include in a fee or how fees should be calculated. Previous OIPC orders have, however, provided the following guidance about what qualifies as a “minimal fee” under PIPA, including what costs or services an organization should not be charging individuals for accessing their personal information:

- A minimal fee should be based on an organization’s actual, necessary costs to respond to the access request; however, the determination of what is a necessary cost should be assessed on an objective basis, and a minimal fee will not always cover an organization’s entire costs and should not generate revenue for the organization.<sup>20</sup>
- A minimal fee may include an organization’s actual cost of locating, retrieving and producing any documents that include the applicant’s personal information, reviewing the relevant documents to make sure all the requested information has been found and produced, preparing the

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<sup>18</sup> Section 32(2)(c) of PIPA allows the Commissioner or their delegate to investigate and attempt to resolve complaints that a fee required by an organization is not “reasonable.”

<sup>19</sup> Order P25-08, 2025 BCIPC 105 (CanLII) at paras. 9-11, 21 and 36-39; Order P23-03, 2023 BCIPC 36 (CanLII) at para. 15 and Order P08-02, 2008 CanLII 30215 (BCIPC) at para. 33.

<sup>20</sup> Order P08-02, 2008 CanLII 30215 (BC IPC) at paras. 38-39.

documents for disclosure, and providing a copy of the relevant documents to the applicant (including shipping and handling if the document is not sent electronically).<sup>21</sup>

- A minimal fee should aim to provide access at the lowest overall cost; therefore, a minimal fee that includes an employee's hourly rate should be based on the hourly rate of a qualified person within the organization who can process the access request in the least amount of time, resulting in the lowest charge.<sup>22</sup>
- A minimal fee must not include an organization's costs for reviewing the relevant documents for professional or administrative reasons that were not needed to respond to the access request or that should have been done in the ordinary course of the organization's business or operations such as ensuring compliance with any professional or legal obligations.<sup>23</sup>
- A minimal fee must not include an organization's costs for severing the relevant documents because severing is an activity that denies rather than provides access.<sup>24</sup>

[30] I agree with those principles and will apply them in my analysis further below.

### **The parties' submissions about whether the \$300 fee is a minimal fee**

[31] The Organization provided a breakdown of its estimated costs to process the Complainant's access request, which it says total \$547.39, and can be summarized as follows:

- Page fee of \$1 per page: 45 pages x \$1 = \$45.00
- Administrative Oversight and Coordination, including staff, director and owner review: \$151.22
- Registered massage therapist review and discussions with staff: \$195.50
- Physiotherapist review and discussions with staff: \$116.67
- Clinical staff file assembly and internal correspondence: \$39.00.<sup>25</sup>

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<sup>21</sup> Order P08-02, 2008 CanLII 30215 (BC IPC) at para. 39. Order P08-03, 2008 CanLII 65712 (BC IPC) at para. 45 and Order P08-04, 2008 CanLII 65713 (BC IPC) at para. 30.

<sup>22</sup> Order P21-04, 2021 BCIPC 20 (CanLII) at paras. 37-38 and Order P21-03, 2021 BCIPC 11 (CanLII) at para. 68.

<sup>23</sup> Order P08-03, 2008 CanLII 65712 (BC IPC) at paras. 42-45 and Order P08-04, 2008 CanLII 65713 (BC IPC) at para. 30.

<sup>24</sup> Order P21-03, 2021 BCIPC 11 (CanLII) at para. 62 and footnote 38.

<sup>25</sup> Document titled, "Clinical Records Fee Explanation – Customized Breakdown" included with Organization's March 25, 2026 submission.

[32] Instead of charging the Complainant for its estimated costs, the Organization explains that it determined the \$300 fee by charging a standard \$150 per provider fee.<sup>26</sup> The Organization says each regulated health professional is required to maintain their own clinical record; therefore, the retrieval and preparation of records from each provider requires separate administrative work that makes it appropriate to charge a per provider fee.<sup>27</sup>

[33] Among other things, the Organization also says the \$300 fee that it assessed the Complainant “does not represent full cost recovery” but argues the fee is a “reasonable” and “proportionate administrative charge” because the Complainant’s access request “spans multiple providers and includes a broad scope of materials, requiring coordination, review, and compilation across separate clinical records.”<sup>28</sup>

[34] Along with its standard \$150 per provider fee, the Organization says its policy is to also charge \$1 per page regardless of whether the pages are printed or provided digitally, but that it made an exception in this case and did not charge the Complainant the \$45 page fee.

[35] Relying on Order P08-03, the Complainant submits the \$300 fee is not minimal because the Organization included costs for professional or administrative review time that is unrelated to the physical act of providing the records.<sup>29</sup> The Complainant also argues the \$300 fee is too high for such a small volume of responsive reports or documents and includes inappropriate costs such as the time the Organization’s clinical director spent responding to and rejecting the Complainant’s request to review the clinical charts.<sup>30</sup>

[36] The Complainant also questions the time that the physiotherapist was required to review the records because the Complainant alleges the physiotherapist simply copied and pasted the massage therapist’s notes to their clinical record.<sup>31</sup> Furthermore, the Complainant submits the “\$1.00 per page fee for digital records is an exorbitant charge that exceeds all OIPC benchmarks for cost recovery.”<sup>32</sup>

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<sup>26</sup> Organization’s submission dated March 25, 2026 at p. 2 of the pdf.

<sup>27</sup> Organization’s March 25, 2026 submission at p. 6 of pdf.

<sup>28</sup> Organization’s submission dated March 25, 2026 at p. 4 of pdf.

<sup>29</sup> Complainant’s submission dated March 18, 2026 at p. 26, citing Order P08-03, 2008 CanLII 65712 (BC IPC).

<sup>30</sup> Complainant’s submission dated March 30, 2026 at p. 8.

<sup>31</sup> Complainant’s submission dated March 18, 2026 at p. 11 and submission dated March 30, 2026 at p. 2.

<sup>32</sup> Complainant’s submission dated March 30, 2026 at p. 5.

### **Analysis and findings on whether the \$300 fee is a minimal fee**

[37] As I will explain, I conclude the \$300 fee is not a minimal fee under PIPA. The Organization charged the Complainant a \$150 per healthcare provider fee totalling \$300. While a standard fee may be more efficient and consistent for an organization to charge and apply, I find it does not comply with the clear wording of s. 32(2) of PIPA which states, “An organization may charge an individual who makes a request under section 23 a minimal fee for access to the individual's personal information that is not employee personal information concerning the individual.”

[38] In other words, s. 32(2) of PIPA allows organizations to charge an individual a minimal fee for providing *that individual* with access to their personal information. Therefore, the assessment under s. 32(2) of PIPA is necessarily contextual and fact-specific because each access request, the number of responsive documents and the amount of work required to respond to an access request will vary. A standard fee does not consider or account for these variable factors and is, therefore, typically not an appropriate way to assess a minimal fee under s. 32(2) of PIPA.

[39] I understand the Organization is also arguing that the \$150 per provider fee is a minimal fee because it does not cover all its actual costs to process the Complainant's access request. However, the Organization's list of costs includes charges that I find are not necessary to respond to the Complainant's access request or should not be included in a fee assessed under s. 32(2) of PIPA.

[40] I will discuss the Organization's list of costs according to the following categories: (1) professional review to ensure accuracy, completeness and compliance; (2) activities to provide access and respond to the access request; (3) estimated time to complete the necessary activities; (4) employee hourly rate to complete necessary activities; and (5) a standard \$1 per page charge.

#### *Professional review to ensure accuracy, completeness and compliance*

[41] The Organization's list of its costs to process the Complainant's access request includes the clinical director's “oversight and file review with Clinic Owner” and the clinic owner's review of the file.<sup>33</sup> The Organization's costs also include the registered massage therapist's “detailed review of all clinical notes and related documentation” and the physiotherapist's review of “clinical notes and treatment summaries” and the time that the registered massage therapist

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<sup>33</sup> Page 1 of document titled, “Clinical Records Fee Explanation – Customized Breakdown” which was included with Organization's March 25, 2026 submission. The Organization did not include the cost associated with the clinic owner's review of the file in the \$547.39 total.

and the physiotherapist spent in discussions with the Organization's staff and director.<sup>34</sup>

[42] The Organization says the \$300 fee that it charged the Complainant represents "the actual time, expertise and administrative effort required to respond thoroughly, accurately, and within professional and legal guidelines."<sup>35</sup> The Organization also explained that the process of producing a clinical record includes review to ensure completeness and compliance and that the fee does not include charges for clinical opinion, amendments or unrelated professional activities.<sup>36</sup> The Organization also says, in part, that each regulated health professional is required to maintain their own clinical record.<sup>37</sup>

[43] Therefore, I understand the Organization is arguing the clinical director, the clinic owner, the registered massage therapist and the physiotherapist needed to review the relevant documents to ensure those documents were complete, accurate and complied with professional and legal obligations. As previously noted, past OIPC orders have found an organization is not permitted to include those types of charges in a minimal fee under s. 32(2) of PIPA.<sup>38</sup> The Organization, however, disputes or distinguishes those past decisions and says they are outdated and do not "reflect current administrative requirements, operational realities, or the increased complexity of modern clinical record systems and privacy compliance obligations."<sup>39</sup>

[44] However, s. 32(2) of PIPA allows organizations to charge an individual a "minimal fee for access to the individual's personal information" and not for ensuring an organization is meeting its professional and privacy obligations regarding clinical documentation. The Organization also did not sufficiently explain what it means by "privacy compliance obligations" but the phrase suggests the Organization may be referring to compliance with PIPA such as considering s. 23(4)(c) of PIPA which requires an organization to sever any information in the relevant documents that would reveal personal information about another individual. In that case, as previously noted, a minimal fee must not include an organization's costs for severing the relevant documents because severing is an activity that denies rather than provides access.<sup>40</sup>

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<sup>34</sup> Page 2 of document titled, "Clinical Records Fee Explanation – Customized Breakdown" which was included with Organization's March 25, 2026 submission.

<sup>35</sup> Page 1 of document titled, "Clinical Records Fee Explanation – Customized Breakdown" which was included with Organization's March 25, 2026 submission.

<sup>36</sup> Organization's submission dated March 25, 2026 at pp. 5-6 of pdf.

<sup>37</sup> Organization's March 25, 2026 submission at p. 6 of pdf.

<sup>38</sup> For example, Order P08-03, 2008 CanLII 65712 (BC IPC) at paras. 43-45 and Order P08-04, 2008 CanLII 65713 (BC IPC) at para. 30.

<sup>39</sup> Organization's submission dated March 25, 2026 at p. 6 of pdf.

<sup>40</sup> Order P21-03, 2021 BCIPC 11 (CanLII) at para. 62 and footnote 38.

[45] It is also unclear and the Organization does not sufficiently explain why the clinical director, the clinic owner, the registered massage therapist and the physiotherapist would be ensuring the completeness, accuracy and professional compliance of any clinical notes and related documentation only after the Organization receives an access request from an individual. If the Organization and its healthcare providers have failed to meet their professional or legal obligations regarding clinical documentation during the ordinary course of their business or practice, then I find it inappropriate for the Organization to transfer the costs of now completing or meeting those obligations to the access applicant. An access applicant should not be responsible for an organization's costs for failing to keep up with any professional and legal obligations or practice requirements. There is nothing in my review of PIPA and its provisions to indicate the minimal fee under s. 32(2) is intended to operate in such a way.

[46] Accordingly, for all those reasons, I find the Organization's fees for the clinical director, clinic owner, registered massage therapist and the physiotherapist's review of the relevant documents and their discussions with clinical personnel is not a permitted charge under s. 32(2) of PIPA.

*Activities to provide access and respond to the access request*

[47] Under s. 32(2) of PIPA, an access applicant should only be charged for time spent on activities that were essential for the processing of their access request and for providing them with access to the requested information.<sup>41</sup> In this case, the Organization identified the following activities that it says are needed to provide the Complainant with access to their personal information:

- "Review and response to initial and follow-up emails."
- "File consent, verification, admin prep and clarification emails."
- "Internal file coordination and support."
- "Compilation of notes and correspondence."
- "Final file packaging, secure delivery and follow-up communication."<sup>42</sup>

[48] I am satisfied some of the Organization's proposed activities would be necessary to provide the Complainant with access to their personal information such as "Internal file coordination and support", "Compilation of notes and correspondence", "Final file packaging" and "secure delivery." These activities are a necessary part of providing access because they are about locating, retrieving and compiling any relevant documents that includes the applicant's personal information and then delivering or providing those documents to the applicant.<sup>43</sup>

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<sup>41</sup> Order P10-03, 2010 BCIPC 48 (CanLII) at paras. 33 and 41.

<sup>42</sup> Page 1 of document titled, "Clinical Records Fee Explanation – Customized Breakdown" which was included with Organization's March 25, 2026 submission.

<sup>43</sup> For example, Order P08-02, 2008 CanLII 30215 (BC IPC) at para. 39.

[49] However, some of the Organization's activities are about reviewing or clarifying the access request such as "Review and response to initial and follow-up emails" and "clarification emails." Other activities appear to be communications after the access request has been processed such as "follow-up communication." I am not aware of a previous OIPC order and court decision that found a minimal fee under s. 32(2) of PIPA can include those activities.

[50] Moreover, in my opinion, s. 32(2) of PIPA presumes the organization has already clarified the access request made under s. 23(1)(a) of PIPA and conducted any necessary communications to understand and process the request. It would make no sense for an organization to charge an individual a fee for access if the organization did not already understand the access request made under s. 23(1)(a) and the scope of the work required to process that request.

[51] As well, given s. 32(2) of PIPA is about a fee for access, I am not satisfied that a minimal fee under s. 32(2) can include any activities after the organization has already provided the applicant with access to their personal information. Therefore, the Organization should not be charging the Complainant for any follow-up communications after the relevant documents have been provided to the Complainant.

[52] For all those reasons, I am not persuaded that all the Organization's listed activities are necessary for providing the Complainant with access to their personal information or is a permitted charge under s. 32(2) of PIPA. I conclude the Organization's proposed activities that would be necessary to provide the Complainant with access to their personal information are "Internal file coordination and support", "Compilation of notes and correspondence", "Final file packaging" and "secure delivery."

*Estimated time to complete the necessary activities*

[53] Previous OIPC orders have calculated the estimated time required to perform the necessary tasks on a per page basis. In Order P25-08, Adjudicator Shamas provided the following summary of those decisions to conclude that 1 minute per page for the medical records at issue in that case was on the high end of the range but minimal given the evidence and arguments before her:

...In past orders, adjudicators have accepted rates of 0.4 minutes per page, 0.5 minutes per page, and 1 minute per page as minimal, but have held that 1.2 minutes per page was not minimal, and commented that 2.4 and 4.7 minutes per page were "generous to say the least." These time estimates vary based on the nature of the records at issue and the

evidence each organization provided about what tasks it was required to perform to respond to the request.<sup>44</sup>

[54] I found some of the Organization's proposed activities would be necessary to provide the Complainant with access to their personal information. The Organization estimates the time needed to complete those activities as follows:

- Internal file coordination and support (55 mins).
- Compilation of notes and correspondence (35 mins).
- Final file packaging and secure delivery (30 mins).<sup>45</sup>

[55] Therefore, the Organization's total estimated time to complete the necessary activities would be 120 minutes, which would equal approximately 2.6 minutes per page for 45 pages of responsive documents.

[56] Compared to past OIPC decisions, I find an estimated 2.6 minutes per page would be a higher estimate than what has been accepted in past OIPC orders. I note, however, that the documents containing the Complainant's personal information consist of a variety of documents, specifically full clinical charts from the registered massage therapist and the physiotherapist, treatment notes and session documentation and ICBC-related reports submitted through insurer portals.<sup>46</sup> I also note that past OIPC orders dealing with healthcare-related documents accepted an estimate of 1 minute per page<sup>47</sup> and rejected estimates of 2.4 minutes and 4.7 minutes per page.<sup>48</sup>

[57] Therefore, I find a more appropriate time estimate in this case would be 2 minutes per page, for a total approximate time of 90 minutes for 45 pages. Although still on the high end of the range, I find an estimate of 2 minutes per page accounts for the scope of the Complainant's access request and factors in the time ranges accepted by past OIPC orders.

#### *Employee hourly rate to complete necessary activities*

[58] A minimal fee should aim to provide access at the lowest overall cost; therefore, any necessary activities should be completed by a qualified person within the organization who could perform the required activities for the lowest

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<sup>44</sup> Order P25-08, 2025 BCIPC 105 (CanLII) at para. 29, citations omitted.

<sup>45</sup> Page 1 of document titled, "Clinical Records Fee Explanation – Customized Breakdown" which was included with Organization's March 25, 2026 submission.

<sup>46</sup> Organization's submission dated March 25, 2026 at p. 3 of pdf.

<sup>47</sup> Order P25-08, 2025 BCIPC 105 (CanLII) at paras. 30-31 and Order P08-04, 2008 CanLII 65713 (BC IPC) at para. 39.

<sup>48</sup> Order P25-08, 2025 BCIPC 105 (CanLII) at paras. 30-31 and Order P08-04, 2008 CanLII 65713 (BC IPC) at para. 34 (80 minutes/33 pages = 2.4 minutes per page). Order P08-03, 2008 CanLII 65712 (BC IPC) at para 47 (80 minutes/17 pages = 4.7 minutes per page).

overall charge.<sup>49</sup> However, other OIPC orders have found that it may be appropriate for an organization “to assign the tasks to individuals with higher wage rates where such individuals can process the request more quickly, thereby resulting in the lowest overall charge.”<sup>50</sup>

[59] In Order P25-08, Adjudicator Shamas concluded \$20 per hour was minimal given the evidence and arguments before her and provided the following summary of what previous decision-makers have accepted as a minimal wage rate:

Past orders have accepted the following wage rates as minimal: between \$0/hour for a school pastor and \$68.48/hour for a school superintendent; \$52.88/hour for a payroll and accounting supervisor; and \$30.00/hour for a director or President of an organization to do the work, but not a rate of \$180.00/hour calculated at a chiropractors billing rate.<sup>51</sup>

[60] In the present case, the Organization based its costs to complete the necessary activities on the per hourly rate of the following employees:

- Internal file coordination and support: accounts manager at \$45.55/hour.
- Compilation of notes and correspondence: clinic staff at \$36/hour.
- Final file packaging and secure delivery: clinic staff at \$36/hour.<sup>52</sup>

[61] A clinic staff member is expected to complete most of the necessary activities at a rate of \$36 per hour. The pay rate of \$36 per hour is in the middle range of the pay scale established by past orders. However, I was not provided with any evidence that the Organization employs a lower paid individual who could perform the required activities. There was also no evidence or arguments to suggest that the \$36 per hour rate is inconsistent with current economic conditions and industry standards.

[62] I do, however, question the \$45.55 per hour pay rate for the accounts manager. The Organization did not sufficiently explain why the accounts manager was the only qualified employee who could do “Internal file coordination and support”. There may be some special expertise involved in those activities or the accounts manager may be able to accomplish that task more efficiently, but the Organization did not say so nor is it apparent from the parties’ submissions and evidence. Therefore, it is unclear why a clinic staff member would not be able to complete those activities at the lower rate of \$36 per hour.

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<sup>49</sup> Order P25-08, 2025 BCIPC 105 (CanLII) at para. 33; Order P21-04, 2021 BCIPC 20 (CanLII) at paras. 37-38; Order P21-03, 2021 BCIPC 11 (CanLII) at para. 68.

<sup>50</sup> Order P25-08, 2025 BCIPC 105 (CanLII) at para. 33, citing Order P21-04, 2021 BCIPC 20 (CanLII) at paras. 37-38.

<sup>51</sup> Order P25-08, 2025 BCIPC 105 (CanLII) at para. 33, citations omitted.

<sup>52</sup> Page 1 of document titled, “Clinical Records Fee Explanation – Customized Breakdown” which was included with Organization’s March 25, 2026 submission.

[63] Taking all the above into account, and considering the materials before me, I conclude a \$36 per hour wage rate is an appropriate hourly rate in this case for an individual to perform the required activities.

*A standard \$1 per page charge*

[64] The Organization also calculated its actual costs by including a \$1 per page charge for the 45 pages of documents that contain the Complainant's personal information.

[65] Previous OIPC orders who have considered a per page charge did so because the organization assessed the access applicant a per page charge for photocopies of the relevant documents.<sup>53</sup> I find it appropriate that a per page charge would be applicable for photocopying or printing charges because an organization would incur actual costs for those activities such as costs for paper and toner. Those supplies and materials would be used up as part of processing the access request and would require the Organization to restock those items. In that sense, the task of photocopying or printing the relevant documents would be connected to an organization's actual, necessary costs to provide the applicant with access to their personal information.

[66] In the present case, the Complainant requested a digital copy of any documents containing their personal information. I expect the Organization would have to use some of the equipment and resources that it uses for its normal business operations to process and electronically send the relevant documents to the Complainant such as computer equipment, internet and electricity. I was not provided with sufficient evidence or argument to indicate the Organization's existing costs for those items would increase or require the Organization to replenish those items because of processing the Complainant's access request.

[67] I am also not aware of any past OIPC orders or court decisions that found it was appropriate for an organization under s. 32(2) of PIPA to assess a per page charge for digital copies. As well, the Organization did not say a digital copy could not be provided to the Complainant, nor did it provide any arguments or evidence to indicate the relevant documents were only available in a paper format. Therefore, for all those reasons, if the Organization had included a \$1 per page charge along with the \$300 assessed fee, I would have found the \$1 per page charge for digital copies of the relevant documents inappropriate and not a minimal fee for the purposes of s. 32(2) of PIPA.

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<sup>53</sup> For example, Order P25-08, 2025 BCIPC 105 (CanLII) at paras. 26 and 28; Order P21-04, 2021 BCIPC 20 (CanLII) at paras. 44-45; Order P08-02, 2008 CanLII 30125 (BC IPC) at paras. 41-42.

[68] I recognize that the Organization may incur costs for an employee to compile and provide the digital copies to the Complainant. However, in my opinion, those costs should be assessed on an hourly wage basis and on the estimated time required to complete the work, which I have considered above in my analysis, rather than a standard \$1 per page charge that is not connected to the Organization's actual, necessary costs to process the Complainant's access request.

*Conclusion on whether the \$300 fee is a minimal fee*

[69] To conclude, I find the Organization's standard \$150 per health care provider fee does not comply with what is required of a minimal fee under s. 32(2) of PIPA.

[70] I also find the Organization's calculation of its costs to process the Complainant's access request does not comply with s. 32(2) of PIPA for reasons which can be summarized as follows:

- The Organization's fees for the clinical director, clinic owner, registered massage therapist and the physiotherapist's review of the relevant documents and their discussions with clinical personnel is not a permitted charge under s. 32(2) of PIPA.
- Some of the Organization's listed activities are not necessary for providing the Complainant with access to their personal information or is not a permitted charge under s. 32(2) of PIPA.
- The Organization's total estimated time and hourly wage rates to complete the necessary tasks are not minimal under s. 32(2) of PIPA.

[71] For all the reasons discussed above, I find the \$300 fee that the Organization charged the Complainant for providing them with access to their personal information is not a minimal fee under s. 32(2) of PIPA. If the assessed fee does not qualify as a minimal fee, then the next step in the analysis is to consider what would be a minimal fee given the circumstances and what approach should be used to make that determination.

***2. What is a minimal fee in this case and what approach should be used to make that determination?***

[72] Previous OIPC adjudicators have chosen one of the following two approaches to determine what would be a minimal fee in the specific circumstances of their case:

- 1) Require the organization to issue a revised fee estimate based on the adjudicator's detailed instructions on what charges can be included in the fee or how the fee should be assessed.<sup>54</sup>
- 2) The adjudicator will calculate a minimal fee based on the available information in the inquiry such as an organization's itemized list of their estimated costs for providing the access applicant with their personal information.<sup>55</sup>

[73] In the present case, I have decided to calculate the minimal fee because I have enough information before me to make this determination. Based on the Organization's breakdown of its costs,<sup>56</sup> I found the following activities were necessary for the Organization to provide the Complainant with access to their personal information: internal file coordination and support; compilation of notes and correspondence; and final file packaging and secure delivery.

[74] I also determined a more appropriate estimate of the time required to complete those necessary activities would be 2 minutes per page, for a total approximate time of 90 minutes or 1.5 hours for 45 pages. As well, I concluded that a \$36 per hour wage rate is an appropriate hourly rate in this case for an individual to perform the required activities. Therefore, based on those numbers and for the reasons discussed earlier in this order, I conclude a minimal fee under s. 32(2) of PIPA for the Organization to provide the Complainant with access to their personal information would be \$54.00 (1.5 hours x \$36).

[75] I recognize that this \$54.00 fee will not cover all the Organization's costs to provide the Complainant with access to their personal information; however, previous OIPC orders have made it clear that a minimal fee under s. 32(2) of PIPA may not have that result,<sup>57</sup> which means an organization will have to bear some of the costs associated with providing an applicant with access to their personal information under PIPA.

**3. Are there any circumstances that would make it appropriate to confirm, excuse or reduce the fee?**

[76] Section 52(3)(c) of PIPA authorizes the Commissioner or their delegate to "confirm, excuse or reduce a fee, or order a refund, in the appropriate

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<sup>54</sup> Order P23-03, 2023 BCIPC 36 (CanLII) at paras. 41-42; Order P21-03, 2021 BCIPC 11 (CanLII) at para. 75; Order P10-03, 2010 BCIPC 48 (CanLII) at para. 41.

<sup>55</sup> Order P25-08, 2025 BCIPC 105 (CanLII) at paras. 23 and 35; Order P08-03, 2008 CanLII 65712 (BC IPC) at paras. 50-51; Order P08-04, 2008 CanLII 65713 (BC IPC) at paras. 38-39.

<sup>56</sup> Page 1 of document titled, "Clinical Records Fee Explanation – Customized Breakdown" which was included with Organization's March 25, 2026 submission.

<sup>57</sup> Order P08-02, 2008 CanLII 30215 (BC IPC) at para. 39 and Order P21-03, 2021 BCIPC 11 (CanLII) at para. 62.

circumstances.”<sup>58</sup> I found the \$300 fee that the Organization charged the Complainant under s. 32(2) of PIPA is not a minimal fee but determined that \$54 is a minimal fee under s. 32(2). Therefore, in accordance with s. 52(3)(c), I find it appropriate in this case to reduce the \$300 fee to \$54.

[77] The Complainant requests that I excuse the entire fee because of an inability to pay.<sup>59</sup> Past OIPC orders explain that there are circumstances where it may be appropriate for an adjudicator to further reduce or excuse a minimal fee at an inquiry and identified the following factors that may be considered in making that determination:

- If the complainant argues that they are genuinely unable to pay the fee, then there must be evidence to support the assertion.
- It is appropriate to consider whether reducing or excusing the fee will cause a hardship to the organization. If an organization cannot afford the resources to provide the requested access, it should not be forced to expend them.
- A complainant may be required to demonstrate that they could not have obtained the personal information by some other practical or reasonable means that do not impose costs on the organization.
- The complainant’s purpose for seeking access to the personal information may also be relevant. Consideration should only be given to excusing a minimal fee if the complainant seeks the personal information to protect their real legal or financial interests or rights, for instance, or if there is a clear public benefit to providing access.
- Before a minimal fee will be waived, the complainant should demonstrate that they have tailored their request to ensure that the organization is required to provide only those documents which are necessary for the complainant’s purposes.<sup>60</sup>

[78] The Complainant submits they cannot afford a fee for accessing their personal information under PIPA because they are “a person on Provincial Disability.”<sup>61</sup> Among other things, the Complainant also alleges the registered massage therapist and physiotherapist failed to properly document and to consider the Complainant’s concerns about their physical condition, which the

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<sup>58</sup> The Complainant did not pay the \$300 fee, so a refund under s. 52(3)(c) is not applicable here.

<sup>59</sup> I have considered the Complainant’s arguments about a fee waiver for the \$300 fee to determine whether it is appropriate under s. 52(3)(c) to reduce or excuse the \$54 minimal fee.

<sup>60</sup> Order P23-03, 2023 BCIPC 36 (CanLII) at para. 43 and Order P08-02, 2008 CanLII 30215 (BC IPC) at para. 52.

<sup>61</sup> Complainant’s submission dated March 30, 2026 at p. 3.

Complainant says has affected their ICBC injury claim. The Complainant argues the inaccuracies in their clinical records affects how their condition is being understood and managed by ICBC and affects their ongoing care and communication with other health professionals.<sup>62</sup> Therefore, the Complainant says they need the information that they have requested from the Organization so they can review and correct any inaccuracies that have been communicated to ICBC.

[79] The Organization argues it is not obligated under s. 32(2) of PIPA to waive fees because of financial hardship. The Organization also says it made reasonable efforts to reduce any financial burden to the Complainant by offering the Complainant options such as providing two reports at no charge but that the Complainant declined this option and other available alternatives.<sup>63</sup>

[80] I accept the Complainant is seeking access to their personal information to protect their legal or financial interests related to their ICBC injury claim. However, I was not provided with sufficient evidence to help me understand the Complainant's ability to pay an assessed fee under s. 32(2) of PIPA. An access applicant who requests the OIPC grant a fee waiver under s. 52(3)(c) because of an inability to pay must provide evidence to support their position or risk having their request denied.

[81] Regarding what type of evidence may be relevant for a fee waiver, in Order P08-02, the adjudicator ultimately concluded the access applicant in that case could not afford a \$535 fee based on the adjudicator's review of the applicant's submissions and evidence which included copies of several cheque stubs demonstrating the level of income assistance that the access applicant received at various times.<sup>64</sup> I do not have that type of evidence here nor do I have other supporting evidence that demonstrates the Complainant's inability to pay a fee for access under PIPA.<sup>65</sup>

[82] The parties were informed that they should provide all relevant evidence and argument in support of their position during the submission phase of the OIPC's written inquiry process.<sup>66</sup> Ultimately, I am unable to conclude from the materials before me in this inquiry that the Complainant cannot afford to pay the reduced fee of \$54, which I note is a substantial reduction from \$300. As a result, I find it appropriate under s. 52(3)(c) to confirm the minimal fee of \$54.

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<sup>62</sup> Complainant's submission dated March 18, 2026 at p. 8.

<sup>63</sup> Organization's submission dated March 25, 2026 at pp. 6-7 of pdf.

<sup>64</sup> Order P08-02, 2008 CanLII 30215 (BC IPC) at para. 55.

<sup>65</sup> For a similar conclusion, see Order P21-04, 2021 BCIPC 20 (CanLII) at para. 48.

<sup>66</sup> The OIPC's *Instructions for Written Inquires* and *Written Inquiry Submission Form*, which was provided to the parties, along with the notice of written inquiry.

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**CONCLUSION**

[83] For all the reasons discussed in this order, I conclude \$54 is a minimal fee under s. 32(2) of PIPA and the \$300 fee that the Organization charged the Complainant is not a minimal fee under s. 32(2). Therefore, I make the following order under s. 52(3)(c) of PIPA:

1. I reduce the \$300 fee that the Complainant is being asked to pay the Organization under s. 32(2) of PIPA to \$54.

May 22, 2026

**ORIGINAL SIGNED BY**

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Lisa Siew, Adjudicator

OIPC File No.: P25-01164