



Order P26-11

THE OWNERS, STRATA PLAN VIS 6620

Rene Kimmitt
Adjudicator

July 22, 2026

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Summary: An individual made a request under the *Personal Information Protection Act* (PIPA) to her strata corporation (Strata) for access to information related to a report she made about insects in her unit. The Strata provided her with documents but withheld some information in the documents under various sections of PIPA. The adjudicator found that the applicant had no right to access some of the information in dispute because it was not her personal information. The adjudicator found the Strata was not authorized or required to withhold any of the information in dispute under ss. 23(3)(b) (harm to competitive position), 23(4)(a) (harm to safety or physical or mental health), or 23(4)(c) (personal information about another individual). The adjudicator found the Strata was required to withhold some of the information in dispute under s. 23(4)(d) (identity of individual who provided personal information). The adjudicator also found that the Strata had not met its duty, under s. 28(b), to respond to the applicant as accurately and completely as reasonably possible. The adjudicator ordered the Strata to give the applicant access to her personal information that the Strata was not authorized or required to withhold, in a manner that would remedy the Strata's failure to perform its duty under s. 28(b).

Statutes Considered: *Personal Information Protection Act*, [SBC 2003] c. 63, ss. 1, 23(3)(b), 23(4)(a), 23(4)(c), 23(4)(d), 28(b), and 30(1).

INTRODUCTION

[1] An individual (applicant) made a request under the *Personal Information Protection Act* (PIPA) to her strata corporation, The Owners, Strata Plan VIS 6620 (Strata), for access to information related to a report she made about insects in her unit.

[2] The Strata provided the applicant with documents but withheld some information in the records under ss. 23(3)(b) (harm to competitive position),

23(4)(a) (harm to safety or physical or mental health), 23(4)(c) (personal information about another individual), and 23(4)(d) (identity of individual who provided personal information) of PIPA.

[3] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review the Strata's decision to withhold information.

[4] The OIPC's mediation process did not settle the issues, and the matter proceed to this inquiry.

ISSUES AND BURDEN OF PROOF

[5] In this inquiry, the issues are:

1. Is the Strata authorized to withhold the information in dispute under s. 23(3)(b)?
2. Is the Strata required to withhold the information in dispute under ss. 23(4)(a), 23(4)(c), or 23(4)(d)?
3. Did the Strata make a reasonable effort to respond to the applicant as accurately and completely as reasonably possible, as required by s. 28(b)?

[6] Section 51(a) places the burden on the Strata to prove that the applicant has no right to access the information in dispute.

[7] PIPA does not specify which party has the burden of proof under s. 28(b). However, previous OIPC orders have found that, since the organization is in the best position to prove that it performed its duties under PIPA, the organization has the burden of proof under s. 28.¹ I adopt this approach for the purpose of this order. The Strata has the burden to prove it made a reasonable effort to respond to the applicant as accurately and completely as reasonably possible as required by s. 28(b).

DISCUSSION

Background

[8] The applicant made a complaint to the Strata about insects in her unit. The applicant paid for extermination services and asked the Strata to reimburse

¹ Order P23-10, 2023 BCIPC 86 (CanLII) at paras 8-11; Order P24-13, 2024 BCIPC 116 (CanLII) at para 15.

her for these out-of-pocket expenses. The applicant and the Strata have an ongoing dispute about this matter before the BC Civil Resolution Tribunal.

Information in dispute

[9] The records in dispute are emails and email attachments sent between members of the Strata's council.

[10] It was not clear to me what information in the 392 pages of responsive records the Strata was withholding and so I asked the Strata to clarify. The Strata said that it was only withholding portions of five emails (and duplicates of these emails) and one entire email and its attachment. The Strata said that the rest of the information in the 392 pages of responsive records was fully disclosed to the applicant.²

Personal information

[11] Under s. 23(1)(a), an applicant has the right to access their own personal information under the control of an organization, subject to some exceptions set out in ss. 23(3) and 23(4). For access to be considered under s. 23(1)(a), the information at issue must be the applicant's personal information; therefore, the first question I must answer is whether the information at issue is the applicant's personal information.

[12] Under s. 1, "personal information" means information about an identifiable individual and includes employee personal information but does not include "contact information" or "work product information." Those terms are defined in s. 1 of PIPA as follows:

"contact information" means 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 email or business fax number of the individual;

"work product information" means information prepared or collected by an individual or group of individuals as part of the individual's or group's responsibilities or activities related to the individual's or group's employment or business but does not include personal information about an individual who did not prepare or collect the personal information.

[13] Information is about an identifiable individual if it is reasonably capable of identifying a particular individual, either alone or when combined with other available sources of information.³

² Email from Strata to registrar of inquiries dated July 14, 2026.

³ Order P12-01, 2012 BCIPC 25 (CanLII) at para 85.

[14] The Strata has withheld council members' email addresses. I find these email addresses are not the applicant's personal information and, therefore, she is not entitled to access this information under s. 23(1)(a). There is also some information in the documents about other residents of the building where the applicant lives. This information is also not the applicant's personal information and, therefore, the applicant is not entitled to access this information under s. 23(1)(a).

[15] I find the rest of the information the Strata has withheld is the applicant's personal information. It is in emails in which the council members are discussing the applicant and her report of insects in her unit, so it is information about the applicant as an identifiable individual. This information is not contact information because it is not information to enable an individual at a place of business to be contacted. It is also not work product information because the personal information is about the applicant and she did not prepare or collect this personal information as part of her employment or business.

Section 23(3)(b) – harm to competitive position

[16] Section 23(3)(b) says that an organization is not required to disclose personal information if the disclosure would reveal confidential commercial information that if disclosed, could, in the opinion of a reasonable person, harm the competitive position of the organization. For information to be withheld under s. 23(3)(b) its disclosure must

- 1) reveal confidential commercial information, and
- 2) be reasonably capable of harming the competitive position of the organization.

[17] "Commercial" information is information that relates to the buying, selling or exchange of an entity's goods or services. To be considered commercial information, the information does not need to be proprietary in nature or have an actual or potential independent market or monetary value.⁴

[18] The Strata has applied s. 23(3)(b) to the entirety of an email with the subject line "Pest Control: Case Summary" and the attachment to this email. It has also applied s. 23(3)(b) to parts of emails in which the Strata council members discuss the report of insects in the applicant's unit.

[19] The Strata told the applicant that the disclosure of this information "could harm the competitive position of the organization as it relates to possible future actions that the Strata or complainant may have taken."⁵

⁴ Order P24-06, 2024 BCIPC 29 (CanLII) at para 72.

⁵ Applicant's Document #8B.

[20] None of the information withheld from these documents is information that relates to the buying, selling, or exchange of an entity's goods or services and, therefore, is not commercial information.

[21] Further, the Strata has not explained why it believes the disclosure could, in the opinion of a reasonable person, harm its competitive position.

[22] Based on the above, I find the Strata is not authorized to withhold any of the information in dispute under s. 23(3)(b).

Section 23(4)(a) – threat to safety or physical or mental health

[23] Section 23(4)(a) requires an organization to refuse to disclose an applicant's personal information when the disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the person who made the request.

[24] It is well established that the phrase "could reasonably be expected to" means that an organization must show that the likelihood of the harm occurring is "well beyond" or "considerably above" a mere possibility.⁶ The amount and quality of the evidence required to meet this standard depends on the nature of the issue and the "inherent probabilities or improbabilities or the seriousness of the allegations or consequences."⁷

[25] In Order P06-02, former Commissioner Loukidelis said that s. 23(4)(a) of PIPA should be approached in the same way as s. 19(1) of the *Freedom of Information and Protection of Privacy Act*.⁸ In the context of s. 19(1), past orders have said that a threat to mental health requires a threat of "serious mental distress or anguish"; it is not enough that disclosure may cause a person to feel upset, inconvenienced or unpleasant.⁹

[26] The Strata has withheld some information under s. 23(4)(a). The Strata told the applicant that disclosure "would affect the mental health of an individual other than [the applicant]".¹⁰ The Strata does not specify which individual it believes could reasonably be expected to suffer harm to their mental health as a result of disclosure, the specific nature of the anticipated harm, or why it believes this outcome could reasonably be expected to occur.

⁶ *Ontario (Community Safety and Correctional Services) v Ontario (Information and Privacy Commissioner)* 2014 SCC 31 at para 54, citing *Merck Frosst v Canada (Health)* 2012 SCC 3 at paras 197 and 199.

⁷ *Ibid* citing *FH v McDougall*, 2008 SCC 53 at para 40.

⁸ Order P06-02, 2006 CanLII 32980 at paras 46-49.

⁹ Order F20-03, 2020 BCIPC 3 (CanLII) at para 21; Order 03-08, 2003 CanLII 49172 (BCIPC) at para 24.

¹⁰ Applicant's Document #8B.

[27] I have reviewed the information the Strata has withheld under s. 23(4)(a). Based on the context provided by the documents, I understand the Strata's position is that disclosure of some of the council members' comments about the applicant could reasonably be expected to harm these individuals' mental health. I do not accept this position. I find it is possible that these individuals may be upset by these comments being disclosed. However, being upset does not rise to the level of "serious mental distress or anguish" required for s. 23(4)(a) to apply.

[28] Based on the above, I find the Strata is not authorized to withhold any of the information in dispute under s. 23(4)(a).

Section 23(4)(c) – personal information about another individual

[29] Section 23(4)(c) says that an organization must refuse to disclose information, if the disclosure would reveal personal information about another individual. The phrase "another individual" refers to an individual other than the applicant.¹¹

[30] The first step in the s. 23(4)(c) analysis is to determine whether any of the remaining information in dispute is about an identifiable individual other than the applicant. If it is, then I must decide whether it is not considered personal information because it is contact information or work product information.

[31] The information the Strata has withheld under s. 23(4)(c) is contained in comments Strata council members made about the complainant's report of insects in her unit. I find that the Strata council members are likely identifiable to the applicant from the context of the documents and her existing knowledge of the Strata and, therefore, this is information about identifiable individuals.

[32] However, I find this information does not meet the definition of personal information because it is work product information.

[33] As discussed above, work product information is defined as information prepared or collected by an individual or group of individuals as part of responsibilities or activities related to the individual's or group's employment or business but does not include personal information about an individual who did not prepare or collect the personal information. PIPA specifically states that "employment" includes working under an unpaid volunteer work relationship.

[34] I find that these council members' comments are work product information because they were prepared as part of the council member's activities related to their employment with the Strata. These activities included deciding how to deal with the applicant's report of insects in her unit.

¹¹ Order P14-03, 2014 BCIPC 49 at para 13 and Order P11-01, 2011 BCIPC 9 at para 17.

[35] Based on the above, I find the Strata is not authorized to withhold any information in the documents under s. 23(4)(c).

Section 23(4)(d) – identity of an individual who provided personal information about another individual

[36] Section 23(4)(d) requires an organization to refuse to disclose information that would reveal the identity of an individual who has provided personal information about another individual where the individual providing the personal information does not consent to the disclosure of their identity.

[37] The Strata has withheld some information under s. 23(4)(d). Due to the Strata's inconsistent severing, a small portion of this information has already been disclosed to the applicant and, therefore, I find that disclosing this information where it appears elsewhere in the documents would not *reveal* the identity of the Strata council member who provided personal information about the applicant.

[38] The Strata has also withheld the substance of the council member's comments about the applicant. The Strata has not said how the comments would reveal the identity of the council members who made these comments. Having reviewed this information, I find that disclosing the substance of the comments would not reveal the identities of the council members who made these comments. For these reasons, I find the Strata has not established s. 23(4)(d) applies to the council members' comments about the applicant.

[39] However, I find the names of the council members who made these comments would clearly reveal their identities as individuals who provided personal information about the applicant. There is also a small amount of information in two emails dated May 8, 2023 and May 11, 2023 that I find would reveal the identity of these council members. While the Strata has not specifically commented on this point, I am satisfied, based on the content of the documents, that these council members do not consent to the disclosure of their identities. The Strata is required to withhold this information under s. 23(4)(d).

[40] Lastly, the names of these council members appear in the "Pest Control: Case Summary" email, which the Strata only withheld under s. 23(3)(b). While the Strata has not applied s. 23(4)(d) to the information in these documents, I find it is appropriate to withhold the names of the individuals from this email under s. 23(4)(b). Section 23(4)(d) is a mandatory section aimed at protecting personal information. I found above that the Strata is required to withhold these names where they appear elsewhere in the records package. Disclosing these names where they appear in the "Pest Control: Case Summary" email would defeat the

purpose of withholding these names from the other documents. For these reasons, the Strata must withhold these names from these documents as well.

Summary, s. 23

[41] In summary, I found that some of the information the Strata withheld is not personal information and, therefore, the applicant is not entitled to access it under PIPA. I also determined that the Strata is not authorized or required to refuse to disclose the applicant's personal information to her under ss. 23(3)(b), 23(4)(a), or 23(4)(c). However, I found that the Strata is required to refuse to disclose some of the applicant's personal information to her under s. 23(4)(d) because it would reveal the identity of individuals who provided personal information about the applicant and these individuals do not consent to the disclosure of their identities.

Sections 28(b) – duty to respond accurately and completely

[42] Section 28 sets out an organization's duty to assist applicants. The parts of s. 28 relevant to this inquiry read:

An organization must make a reasonable effort

[...]

(b) to respond to each applicant as accurately and completely as reasonably possible, and

[...]

[43] The requirements of s. 28 are informed by s. 30(1), which says:

In a response under section 28, if access to all or part of the personal information requested by the applicant is refused, the organization must tell the applicant

(a) the reasons for the refusal and the provision of this Act on which the refusal is based,

(b) the name, position title, business address and business telephone number of an officer or employee of the organization who can answer the applicant's questions about the refusal, and

- (c) that the applicant may ask for a review under section 47 within 30 days of being notified of the refusal.

[44] The applicant submits that the Strata did not meet its duty under ss. 28 or 30(1)(a) because it provided her with an initial incomplete response, followed by subsequent inadequate and disorganized responses that contained inconsistent severing, and did not clearly state the sections the Strata was relying on to withhold information. She submits that the Strata has still not provided her with clear reasons for refusing to provide her with access to the withheld information. She submits that, as a result, she was unable to fully understand what documents were responsive, what information was withheld, and the basis of the Strata's decisions.¹²

[45] The Strata has not made submissions on its compliance with these sections of PIPA.

[46] For the reasons below, I find the Strata has not performed its duties under ss. 28(b) or 30(1).

[47] The applicant made a written request to the Strata that I find provided sufficient detail to enable the Strata, with a reasonable effort, to identify the applicant and the personal information being sought, as required by s. 27 of PIPA.

[48] The Strata replied to the applicant's access request by sending her an email with an attached records package.¹³ This records package does not identify what sections of PIPA the Strata was relying on to refuse her access to the information withheld from the documents. The Strata also whited out the withheld information, which makes it difficult to determine what is withheld information and what is simply white space on the page. The Strata's accompanying email reads:

Your requested correspondence is attached. As there is extensive duplication of content, there will be no charge for this electronic copy of the documentation. Should you want a printed copy, the Strata will charge for the cost of printing at 25 cents per page.¹⁴

[49] Two weeks later, a Strata council member told the applicant that the Strata had withheld information in the records package sent on June 8, 2023 under ss. 23(4) and 23(3)(b).¹⁵

¹² Applicant's submission at paras 1.5, 3.22, and 3.23.

¹³ Applicant's Document #3B.

¹⁴ Applicant's Document #3A.

¹⁵ Applicant's Document #4.

[50] Eleven months later, the Strata sent the applicant another email with an attached records package that says:

My understanding is that some emails were inadvertently missed during the previous search. Thus, after reviewing with [name], those emails are attached with the requisite redaction of email addresses.¹⁶

[51] This records package did not note what PIPA sections the Strata was relying on to withhold the information in dispute. The withheld information was also whited out making it difficult to locate where on the page information had been withheld.¹⁷

[52] Later, the Strata provided the applicant with specific responsive pages, withheld in full or in part, that specified the sections the Strata was relying on to withhold information. It also provided a separate explanation for why the information in these pages was being withheld.¹⁸

[53] There is no evidence before me that the Strata provided the complainant with a records package that showed all the records responsive to her request, the information withheld from those records, and the sections of PIPA the Strata was relying on to withhold the information.

[54] It also appears that the Strata did not inform the applicant of her option to ask the OIPC to review the Strata's decision.

[55] The Strata did not, even during this inquiry, provided clear reasons for why it withheld any of the information in the records from the applicant. The Strata's submission was simply that it already provided the applicant with the records responsive to her request, that the applicant "has decided to burden the Strata with lengthy multiple dispute mechanisms rather than settling it amicably", and that the Strata is willing to meet with the applicant to "settle her dispute amicably."

[56] While I have found that the Strata has not performed its duties under ss. 28(b) or 30(1) of PIPA, I conclude no purpose would be served by making an order under s. 52(3)(a) that requires the Strata to perform those duties. First, the applicant does not need the Strata to inform her, as required by s. 30(1)(c), that she can ask the OIPC to review the Strata's decision. She has already made the request for review, and the request has resulted in this inquiry. Second, this order provides the reasons why the applicant is not entitled to some of the information responsive to her access request. Third, as a condition of complying with this order, the Strata will be required to provide the applicant with a complete records package in a manner that will, in effect, remedy the Strata's failure to perform its

¹⁶ Applicant's Document #6A.

¹⁷ Applicant's Document #6B.

¹⁸ Fact Report at para 9.

duty under s. 28(b). For these reasons, I decline to make an order under s. 52(3)(a) requiring the Strata to comply with its duties under ss. 28 or 30(1) of PIPA.

CONCLUSION

[57] For the reasons given above, I make the following orders under s. 52 of PIPA:

1. I require the Strata to refuse the applicant access to the personal information that I found the Strata is required to withhold under s. 23(4)(d).
2. I require the Strata to give the applicant access to her personal information that I have found it is not authorized or required to withhold under PIPA.
3. As a condition under s. 52(4), I require the Strata to provide the applicant with the entire 392-page records package that redacts only the information I have found is either not the applicant's personal information or is required to be withheld under s. 23(4)(d). I require the Strata to black out this information in a manner that clearly shows the applicant the location and extent of the redactions. I will provide a copy of the records package to the Strata along with this order that highlights in green the information the Strata must refuse to disclose. The remainder of the information in the records package must be disclosed to the applicant.
4. The Strata must provide the OIPC registrar of inquiries with a copy of its cover letter and the records package it sends to the applicant in compliance with this order.

[58] Pursuant to s. 53(1) of PIPA, the Strata is required to comply with this order by **September 3, 2026**.

July 22, 2026

ORIGINAL SIGNED BY

Rene Kimmitt, Adjudicator

OIPC File No.: P23-94063 & P23-94064