



Order F26-80

CITY OF REVELSTOKE

Alexander Corley
Adjudicator

September 16, 2026

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Quicklaw Cite: [2026] B.C.I.P.C.D. No. 100

Summary: An individual (complainant) asked the City of Revelstoke (City) for access to records under the *Freedom of Information and Protection of Privacy Act* (FIPPA). The City identified numerous responsive records and assessed the complainant a fee under s. 75 (Fees) of FIPPA for processing the request. The complainant requested a fee waiver under ss. 75(5)(a) (fee waiver due to financial hardship) and 75(5)(b) (fee waiver in the public interest) of FIPPA which the City denied. The complainant then asked the Office of the Information and Privacy Commissioner for British Columbia to review the City's decision not to waive the fee. The adjudicator found that some of the responsive records came within the scope of s. 75(5)(b) and upheld the City's decision under s. 75(5)(a). Consequently, the adjudicator ordered a partial reduction of the fee assessed by the City.

Statutes Considered: *Freedom of Information and Protection of Privacy Act* [RSBC 1996, c. 165] at ss. 4(3), 58(3)(c), 75(1)(b), 75(2), 75(3), 75(4), 75(5)(a), and 75(5)(b); *Freedom of Information and Protection of Privacy Regulation* [B.C. Reg. 155/2012] at Schedule 1.

INTRODUCTION

[1] Under the *Freedom of Information and Protection of Privacy Act* (FIPPA)¹ an individual (complainant) asked the City of Revelstoke (City) for access to records broadly related to a City council motion concerning the City's response to the humanitarian crisis in Gaza (Gaza motion).

[2] In response, the City acknowledged that it had responsive records in its custody and under its control and issued a fee estimate of \$3084.99 for processing the access request. The complainant then requested a total fee

¹ RSBC 1996, c. 165. Through the remainder of this order references to sections of an enactment are references to FIPPA unless otherwise stated.

waiver under ss. 75(5)(a) (fee waiver due to financial hardship) and 75(5)(b) (fee waiver in the public interest).

[3] The City declined to waive the fee and the complainant requested that the Office of the Information and Privacy Commissioner for British Columbia (OIPC) review the City's fee waiver denial.

[4] Mediation by the OIPC did not resolve the dispute between the parties and the matter proceeded to this inquiry. Both parties provided written submissions and evidence in support of their position at the inquiry with the complainant seeking and receiving permission to provide some of their evidence *in camera* (that is, for only the Commissioner, and not the other party, to see).

Preliminary Issues

Complainant's offer to narrow the access request

[5] In their inquiry submission the complainant offers to narrow the scope of the access request. The parties agree that this offer to narrow the request was not made directly to the City prior to the complainant seeking OIPC review of the City's fee waiver denial nor raised during OIPC mediation of the parties' dispute.

[6] The complainant says they did not make the offer earlier because the City's fee waiver denial letter did not raise this possibility but simply directed the complainant to contact the OIPC if they were dissatisfied.

[7] For the following reasons I find that it would be improper to allow the complainant to narrow the access request at this late stage. First, I have some difficulty with the complainant's explanation why they waited until the inquiry to narrow the request because the City clearly advised the complainant that narrowing the access request in exchange for a reduced fee was a possibility in its initial response and fee estimate letter.²

[8] Further, it is clear to me that the City's time and labour estimates which underpin the fee estimate were generated based on the scope of the original access request. Therefore, the substance of the dispute before me is the appropriateness of the actual fee estimate made by the City based on the original access request.

[9] Therefore, I will conduct my analysis below based on the original access request and fee estimate because that is the issue which I find is properly before me.

² See City's letter to complainant of March 19, 2026, at p. 2, where the City advises the complainant that "[b]y narrowing the scope of your request ... you may reduce the fees payable."

Complainant's concerns with City's handling of personal information

[10] The complainant raises a series of issues regarding one of the City's representatives sharing communications containing personal information with a third party. The complainant says they became aware of the sharing as a result of a prior access request wherein records revealing the sharing were disclosed to them.

[11] The City says that it has already addressed this issue with the complainant including by taking responsibility for the sharing and disclosing further information in the hope of assuaging the complainant's concerns.³

[12] Broadly speaking, I accept what the City says regarding this issue and the evidence that it provides regarding its prior communications with the complainant on this topic. As such, while some of the complainant's arguments about the sharing are relevant to the s. 75(5)(b) issue I must resolve below, I will not further consider what the parties say about this matter outside of that specific context.

ISSUES, BURDEN OF PROOF, AND AUTHORITY

[13] The issues to be decided in this inquiry are:

1. Is the complainant entitled by s. 75(5)(a) to a full or partial waiver of the estimated fee issued by the City?
2. Is the complainant entitled by s. 75(5)(b) to a full or partial waiver of the estimated fee issued by the City?

[14] Regarding who bears the burden of proof under s. 75(5), some prior orders say that it is up to each party to put forward their best argument and evidence in support of their position.⁴ However, more recent orders suggest that it is the complainant who bears the burden of proving that they have met the conditions necessary to secure a fee waiver.⁵ I agree with the second, more recent, approach for the reasons set out in those orders and have applied it here.⁶

[15] Under s. 58(3)(c), I have the authority as the commissioner's delegate to confirm, excuse, or reduce the disputed fee in appropriate circumstances. The

³ See Affidavit #1 of the City's Director of Corporate Services at Exhibit "L" which is an email from the complainant raising their concerns about the sharing and a formal letter from the City taking responsibility for the issue and providing additional information to the complainant.

⁴ The complainant highlights this approach in their reply submission and cites a number of orders in support of it at para. 10.

⁵ For example, Order F25-90, 2025 BIPC 106 at para. 4.

⁶ I place particular weight on the analysis provided in Order F21-48, 2021 BCIPC 56 at paras. 6-10.

jurisdiction conferred by s. 58(3)(c) is broad and enables me, in appropriate cases, to substitute my own decision for the City's.⁷

DISCUSSION

Background⁸

[16] The complainant is a resident of the City who has taken an active role in generating local awareness regarding the ongoing humanitarian crisis in Gaza. Along with other members of a specific community organization, the complainant worked through the latter part of 2025 to have the Gaza motion, which would have required the City to take certain actions in response to the humanitarian crisis in Gaza, sponsored by a local City councillor (councillor).

[17] Shortly before the Gaza motion was to be considered by mayor and council, the councillor withdrew it. Before the Gaza motion could be reintroduced, council amended its procedures and granted the mayor authority to decline to place a motion which falls outside of "municipal purview" before council (Procedure change). I surmise that the Gaza motion has not been placed back before the City's mayor and council as of the date of this order.

[18] Based on these circumstances, the complainant filed an access request with the City on November 12, 2025 (November access request) seeking records related to public opposition to the Gaza motion.⁹ The City released approximately 350 pages of partially severed records to the complainant in response to the November access request.

[19] While reviewing those records, the complainant identified alleged irregularities regarding how the City had severed the records and its privacy protections for personal information. Based on their concerns, the complainant filed the access request that gave rise to the fee estimate at issue here on March 10, 2026 (access request).

Content of the access request

[20] In the access request the complainant requested:

All relevant records, including Inclusivity, Apartheid Free Motion, both in opposition and support. Including emails, text messages and social media

⁷ Order F25-90, *supra* note 5 at para. 3, and the orders cited therein. The City implies that I am limited in my jurisdiction to conducting a "reasonableness review" of the fee it has imposed and restricted to considering the information that it had before it at the time it calculated and imposed the fee, but this is clearly not the case as is established in the orders cited in this note.

⁸ Much of this background information comes from the complainant's submission but is not contested by the City.

⁹ The City's response to the November access request is not at issue in this inquiry.

(Facebook included) communications including any reference to apartheid, racism, antisemitism, islamophobia, Palestine, Israel, Gaza.

- Any communication with [named organization], [named individual], [named individual].
- The basis for redactions on the documents themselves, rather than a broad category.
- Legal advice outside of solicitor-client relationship where privilege is waived.
- Waive privilege with previously shared legal advice.

[21] The complainant did not specify a date range in the access request.

[22] Concerning the named organization and named individuals in the access request, the complainant says they are referenced because they:

- a. were revealed in the records disclosed in response to the November access request; or,
- b. the complainant is aware that they were specifically named in emails sent in to City council but these emails were not included in the records disclosed in response to the November access request.

[23] Further, the complainant says they are seeking to access the requested records, in part, to determine:

- a. The nature and scope of any disclosures of constituents' personal information by the City's staff.
- b. The identities of any third parties to whom such information may have been disclosed.
- c. The legal authority relied upon for any such disclosures, and
- d. The circumstances under which any such disclosures occurred.

[24] The complainant also says they made the access request to "better understand the [City's] response to the [Gaza motion] and decision to [make the Procedure change]." The complainant says they expect the access request to produce responsive records beyond what the November access request produced, in part, because the November request only referenced opposition to the Gaza motion and therefore the records responsive to it "did not provide a full picture of the [City's] considerations and process in responding to the [Gaza motion]."

Section 75(5) – Fee waivers under FIPPA

[25] An applicant's right of access to a record under FIPPA is subject to the payment of fees, if any, as required under s. 75.¹⁰

¹⁰ Section 4(3).

[26] Section 75(1)(b) says that a public body is authorized to charge prescribed fees for specific services related to processing an access request, subject to the exceptions set out in ss. 75(2) and (3). The maximum fees a public body can charge under s. 75(1)(b) are set out in Schedule 1 of the Freedom of Information and Protection of Privacy Regulation.¹¹

[27] Section 75(4) says that if a public body requires an access applicant to pay fees under s. 75(1)(b), it must provide the access applicant with a written estimate of the total fees and may require the applicant to pay a deposit. As noted above, the City provided the complainant with an estimate of \$3084.99 for responding to the access request at issue here.¹²

[28] Section 75(5) sets out circumstances in which a public body can excuse an access applicant from paying fees. Here, the complainant requested a fee waiver under ss. 75(5)(a) and (b).

[29] Section 75(5)(a) says that a public body may excuse payment of all or part of a fee under s. 75(1)(b) if the public body is satisfied that the access applicant cannot afford the payment or for any other reason it is fair to excuse payment. Section 75(5)(b) says that a public body may excuse payment of all or part of a fee issued under s. 75(1)(b) if it is satisfied that the records requested by the access applicant relate to a matter of public interest, including the environment or public health or safety.

[30] As noted above, the City refused the complainant's request for a fee waiver under ss. 75(5)(a) and (b).

Section 75(5)(a) – Fee waiver on account of financial hardship

[31] Under s. 75(5)(a), the head of a public body may waive a fee if the access applicant cannot afford the payment. Past OIPC orders have made it clear that a complainant must do more than assert an inability to pay a fee.¹³ Rather, they must provide evidentiary support for their claims, including sufficient evidence of their financial circumstances.¹⁴

Positions of the parties – s. 75(5)(a)

[32] The complainant says that they lack the financial means to pay the estimated fee issued by the City. In support of this submission they provide some *in camera* evidence, primarily in the form of tax documents, credit card statements, and receipts or bills related to certain expenses. The complainant also says that one of their income streams, as demonstrated in their *in camera*

¹¹ B.C. Reg. 155/2012.

¹² See Affidavit #1 of the City's Manager of Information Technology (IT Manager) at paras. 3-6 for an explanation of how the City calculated the work required to respond to the access request and, therefore, the fee.

¹³ Order F05-36, 2005 CanLII 46569 (BC IPC) at para. 35.

¹⁴ Order 01-04, 2001 CanLII 21558 (BC IPC) at para. 25.

materials, will soon be ending and they will be in more difficult financial circumstances after that time.

[33] In response, the City, relying on a prior order, says the complainant's evidence does not allow for a complete picture of their total income and assets because it does not include evidence about their spouse.¹⁵ The City raises publicly available evidence which it says shows the complainant's spouse owns several parcels of land and is employed.

[34] The City also says the complainant should have provided information about potential funding for the access request by other members of the community organization which, alongside the complainant, was involved with the Gaza motion.

[35] In reply, the complainant says that the order relied on by the City is distinguishable because in that order the access request was made jointly by two spouses whereas only the complainant, and not their spouse, is involved with the access request at issue here. Moreover, the complainant says that they and their spouse keep separate finances, and that the complainant has no interest in the parcels of land owned by their spouse. Further, while they do not challenge the City's evidence, the complainant says the City's picture of their spouse's finances is incomplete as it does not account for the fact that their spouse is now retired and has significant outstanding financial liabilities.

[36] The complainant also says they have not received any community funding regarding the access request. However, they do not say whether any conversations on this topic have occurred within the community organization involved with the Gaza motion.

Analysis and conclusion – s. 75(5)(a)

[37] For the following reasons I find the complainant has not established that I should reconsider the City's decision not to grant a fee waiver under s. 75(5)(a).

[38] I accept what the complainant says about the order relied on by the City being distinguishable because it involved an access request made jointly by two spouses. However, other orders that have considered the relevance of spousal, familial, or other non-personal sources of income have still expected a complainant to provide concrete evidence and explanation regarding these things.¹⁶

[39] Here, the complainant does not provide clear evidence of rent or mortgage expenses. The complainant's evidence also does not establish any independent ownership of residential property. The complainant does however reference "city utilities," "home maintenance," and "property taxes" as unparticularized expenses in their submission.¹⁷ In the absence of any explanation to the contrary, it seems

¹⁵ Citing Order F20-14, 2020 BCIPC 16 at para. 25.

¹⁶ See, for example, Order F21-10, 2021 BCIPC 14 at paras. 51-52.

¹⁷ Complainant's initial submission at para. 24.

probable that this is because the complainant lives with their spouse on a parcel of land owned by the spouse.¹⁸ If this is the case, it is difficult to see how evidence which does not include information about the complainant's spouse could provide a full picture of the complainant's finances.

[40] Further, the complainant explains in their reply submission that they made the access request in both their personal capacity and in their capacity as a member of the community organization involved with the Gaza motion.¹⁹ Given this, I agree with the City that the financial status of that organization is relevant to the complainant's s. 75(5)(a) request for a fee waiver and the complainant has not provided evidence on this point.

[41] Taking all of the above together, I find that the evidence and explanation provided by the complainant does not show a clear enough picture of their finances and inability to pay the fee to secure relief under s. 75(5)(a).

Section 75(5)(b) – Fee waiver on account of the public interest

[42] Under s. 75(5)(b), a public body may excuse payment of all or part of a fee levied in response to an access request where the requested records relate to a matter of public interest, including the environment or public health or safety.

[43] Prior orders have developed a two-part test, which I adopt, for determining whether a fee waiver under s. 75(5)(b) is appropriate. First, a complainant must establish that the requested records relate to a matter of public interest. If so, the complainant must establish that they ought to be excused from paying all or part of the estimated fee.²⁰

Do the requested records relate to a matter of public interest?

[44] To qualify for a fee waiver under s. 75(5)(b), a complainant must establish that the requested records themselves relate to a matter of public interest. This is distinct from a complainant showing that, if records are disclosed to them, they intend to use information in the records in a manner which would promote the public interest.²¹ Although “the environment,” “public health,” and “public safety” are specifically referenced in s. 75(5)(b) they are not restrictive categories but examples of the sorts of matters which can relate to the public interest.²²

[45] When determining whether records relate to the public interest, prior orders have considered the following questions:

- Has the subject matter of the records spurred recent public debate?

¹⁸ While being careful not to reveal the substance of the complainant's *in camera* evidence, I will say that some of that evidence reinforces this conclusion.

¹⁹ Complainant's reply submission at para. 5.

²⁰ See, for example, Order F17-38, 2017 BCIPC 42 at paras. 11-12 and Order F21-48, *supra* note 6 at para. 17.

²¹ Order F17-38, *ibid* at para. 13.

²² Order No 332-1999, 1999 CanLII 4204 (BC IPC) at p. 5.

- Does the content of the records relate directly to the environment, public health or safety?
- If disseminated, could the records reasonably be expected to yield a public benefit by:
 - Disclosing an environmental/public health/safety concern?
 - Contributing to the development or public understanding of, or debate on, an important environmental or public health or safety issue? Or,
 - Contributing to public understanding about an important policy, law, program or service?
- Do the records disclose how the public body is allocating its financial or other resources?²³

[46] In addition to these questions, when exercising its discretion a public body must also consider other relevant factors raised by the access applicant that could reasonably support the request for a fee waiver.²⁴ The analysis is flexible and contextual and a determination that a record does not relate to the public interest based strictly on a negative answer to one question would be incorrect.²⁵

[47] Here, the complainant does not say, and I cannot see, that the requested records disclose how the City is allocating its financial or other resources. As such, I will not consider that question in any more detail.

Has the subject matter of the records spurred recent public debate?

[48] The complainant says that the requested records relate to matters of recent public debate in two ways. First, because some of them relate to City council's consideration of the Gaza motion and decision to adopt the Procedure change. Second, because some of them may shed light on the alleged privacy breaches the complainant says they uncovered during their review of records responsive to the November access request.

[49] The complainant provides evidence that many local community members and activist organizations wrote letters or emails to City council regarding the Gaza motion, and a subset of these people attended a City council meeting where the Gaza motion was to be discussed.²⁶ The complainant also points to local interest and concern over the humanitarian crisis in Gaza itself as evidenced by a number of community events and fundraising initiatives.²⁷

[50] Turning to the Procedure change, the complainant provides evidence that at least one local news organization has written an article about it. The complainant's evidence also shows that this same article has been re-published

²³ Order F22-18, 2022 BCIPC 20 at para. 16; Order F21-48, *supra* note 6 at para. 20.

²⁴ Order No. 332-1999, *supra* note 22 at p. 5.

²⁵ Order No. 332-1999, *ibid* at s. 3.3 "Applicable Principles."

²⁶ Complainant's initial submission at para. 27, citing complainant's "Book of Documents" (BoD) at Tabs 12-16.

²⁷ Complainant's initial submission at para. 29, citing BoD at Tabs 19-37.

by other news websites and that there is at least some interest in further information about the matter from another local journalist.²⁸

[51] The complainant does not provide any further evidence or argument regarding public debate on the City's alleged privacy breaches in their initial submission.

[52] In response, the City says that while the complainant has provided some evidence that members of the public engaged with City council regarding the Gaza motion, the numbers cited represent only a small fraction of the City's population and do not establish any level of broader public debate. The City also says that the existence of fundraising and awareness efforts regarding the humanitarian crisis in Gaza does not establish that there has been recent public debate regarding the Gaza motion itself.

[53] Considering the Procedure change, the City says the news articles pointed to by the complainant only establish that concerns with the Procedure change have been raised in the media by the complainant, the complainant's counsel, and one other individual and are not evidence of broader public debate on the topic. Rather, the City suggests that the news articles are merely evidence that three motivated individuals have sought to have their opinions on the Procedure change amplified in the media.

[54] In reply to the City, the complainant says the City seems to accept that public debate regarding the subject matter of the records occurred but was not of sufficient magnitude. The complainant says this is an incorrect interpretation and cites a recent order wherein, they say, the adjudicator accepted that a matter had been the subject of recent public debate based on evidence similar to that provided by the complainant.²⁹

[55] For the following reasons, I find that some of the requested records relate to a matter of recent public debate because they relate to the Gaza motion. I accept the complainant's evidence about public engagement with City council regarding the Gaza motion. I also find the complainant has demonstrated that the number of interested individuals is sufficiently large to show "public debate" on the topic as opposed to only private debate amongst directly interested parties.

[56] Further, I find the complainant's evidence of broad local support for causes related to Gaza lends credence to the idea that residents of the City were interested in and debating matters related to Gaza, including the Gaza motion, at the relevant time.

[57] Turning to whether public debate surrounding the Gaza motion is "recent" I also find that it is. Past orders have found the relevant time to assess recency is when the access request was made and the public body issued its response.³⁰

²⁸ Complainant's initial submission at para. 28, citing BoD at Tabs 16-18.

²⁹ Complainant's reply submission at para. 19, citing Order F26-42, 2026 BCIPC 54, generally and at paras. 19 and 22.

³⁰ Order F19-09, 2019 BCIPC 11 at para. 26.

Here, the complainant made the access request on March 10, 2026, and the City responded on March 19, 2026. I can also see that the relevant City council meeting took place in November of 2025 which is only a few months before the complainant made the access request. On this basis, I find that the public debate about the Gaza motion was “recent” at the relevant time.

[58] However, I agree with the City that the complainant has not established that the Procedure change has been a matter of recent public debate. I accept the complainant’s evidence that a local news outlet has written a story about the matter which has been picked up by other news outlets and re-published. However, from reviewing that news article, I do not see that it provides evidence of genuine public debate regarding the Procedure change.

[59] I can see that the article quotes the City councillor who put forward the Gaza motion, the complainant in this case, the complainant’s counsel, and one other individual. However, the article does not seem to me to reference any broader public debate on, or concern over, the Procedure change around the time the change was adopted. Moreover, the article was published after the access request was made and the City responded. Given this, even if I took the article to be an impetus for public debate regarding the Procedure change, that debate would not be “recent” in the relevant sense.

[60] Finally, I do not see that anything the complainant says or any of the evidence they provide shows that concerns related to the City’s handling of the personal information of its residents has been a matter of recent public debate. In the absence of such evidence or argument, I find that it has not.

Does the content of the records relate directly to the environment, public health, or safety?

[61] The complainant says the access request relates to public safety “on its face” because it addresses topics such as racism, discrimination, apartheid policy, and the humanitarian crisis in Gaza. The complainant also says the Procedure change could imperil local democracy and that “the strength and viability of democracy in [the City] is a matter of public health and safety.” Finally, the complainant argues that the alleged breaches of citizen privacy by the City implicate the safety of the individuals whose personal information may have been improperly disclosed.

[62] The City accepts that some of the records may relate to topics which, broadly speaking, concern public health or safety. However, the City says the complainant has failed to establish that any of the requested records relate *directly* to these topics.³¹

³¹ Citing Order F25-95, 2025 BCIPC 111 at paras. 28-29.

[63] In reply, the complainant challenges the City but, ultimately, appears to merely restate their prior position with the word “directly” inserted at various points.

[64] I agree with the City. I accept that some of the records sought by the complainant could contain information that is broadly related to public health and safety. However, I find the complainant has not shown the kind of direct connection between the records and these topics that is needed for the answer to this question to be “yes”.

[65] For example, it is obvious to me that the humanitarian crisis in Gaza is directly related to the public health and safety of the residents of Gaza. However, I do not see that information about the City’s willingness to take specific actions in response to that crisis bears the same kind of direct relation to public health and safety. I also find the complainant does not sufficiently particularize their argument that the Procedure change imperils democratic rights for the City’s residents in a way that implicates public health, safety, or the environment. The complainant also, at most, establishes a merely speculative link between the City’s alleged improper sharing of personal information and threats to public safety.

[66] Taking all of this together, I find the complainant has not established that the requested records relate directly to the environment, public health, or safety.

Could disclosure reasonably be expected to yield a public benefit?

[67] The complainant says that, if disseminated, the requested records would contribute to public understanding or debate on three important, public interest-related, topics.

[68] First, the complainant says the requested records will assist the public in understanding what communications and other materials City council received and considered when deciding how to move forward in relation to the Gaza motion. The complainant says this information would clearly be relevant to public debate regarding the steps City council should or should not take in response to the humanitarian crisis in Gaza and would therefore yield public benefit if disseminated.

[69] Second, the complainant says that the Procedure change is an important policy that warrants public debate because it impacts the democratic rights of the City’s residents. On this basis, the complainant says that dissemination of records related to the Procedure change would help to educate the public regarding how the City is exercising its statutory authority and spur debate on this same topic, thereby yielding public benefit.

[70] Finally, the complainant says there is clear benefit to the public in disseminating information about whether and how the City has allegedly breached the privacy of its citizens. The complainant says that the City’s prior communications regarding this topic do not tell the entire story and additional

information is needed for the public to fully understand the situation and debate appropriate next steps.

[71] In response, the City says it is difficult to see how further disclosure of records related to the Gaza motion would yield the kind of public benefit the complainant alleges because the Gaza motion was consensually withdrawn by the councillor who put it forward.

[72] Turning to the Procedure change, the City says it was debated in public and was adopted at a public City council meeting. On this basis, the City says that information about this matter is already public and a further release of information would not yield the public benefit alleged by the complainant.

[73] Finally, the City says the complainant has not established how releasing further information about alleged privacy breaches would contribute to public understanding of the environment, public health, or safety or any particular policy, law, program or service.

[74] In reply, the complainant says that the fact that the Gaza motion was consensually withdrawn is not relevant to the public benefit that would be occasioned if records related to how the process reached that point were disseminated. Further, that *some records* related to the Procedure change having already been made public does not mean that disseminating additional relevant records would yield no public benefit.

[75] Finally, the complainant says that “public understanding and debate about the services provided by the City ... will be furthered if the public knows the extent to which the City ... is, or is not, breaching [the public’s] privacy rights.”

[76] For the following reasons, I find that disseminating records related to the Gaza motion would yield a public benefit by contributing to public debate on an important public health and safety topic. I also find that disseminating records related to the Procedure change would yield a public benefit by contributing to public understanding regarding an important policy.

[77] Turning first to the Gaza motion, I have already found above that it bears some relation to public health and safety because it concerns the steps the City should or should not take in response to a clear humanitarian crisis. As such, I agree with the complainant that records revealing how City council deliberated on the Gaza motion provide important context for how residents of the City frame their own understanding of events in Gaza and debate the merits of local responses to a non-local public health and safety crisis.

[78] Turning to the Procedure change, I accept that it grants the mayor additional power regarding which motions will come before council for a vote. Given this, it seems to me that records which shed light on how City council reached its decision to make the Procedure change would contribute to public understanding and debate regarding an important policy.

[79] I agree with the City that some information about how City council reached its decision to make the Procedure change has already been made public. However, it seems much more likely than not that the Procedure change would have been internally discussed before being raised at a public City council meeting. On this basis, I find, on a balance of probabilities, that there are records responsive to the access request that have not been released to the public which would yield a public benefit by providing further context for debate about the Procedure change if they were released.

[80] However, I do not find that the complainant has established that disclosing records related to the City's alleged privacy breaches would yield the relevant kind of public benefit. In short, I find the complainant is already in possession of a letter from the City discussing this matter and explaining the steps the City has taken in response to the complainant's concerns. The complainant also clearly received records relevant to this topic in response to the November access request. Given this, it is not clear to me what additional public benefit would flow from the City releasing further records on this topic. The complainant's submissions on this point are speculative and I am not persuaded by them.

Conclusion – Do the requested records relate to matters of public interest?

[81] For the following reasons, I find that some, but not all, of the responsive records relate to matters of public interest.

[82] I have found that the Gaza motion was the subject of recent public debate at the time the access request was made, and that records showing how it was considered by City council would yield a public benefit if disseminated. Based on this, I find that records related to the Gaza motion relate to a matter of public interest.

[83] I have also found that while there has not been recent public debate regarding the Procedure change, it represents an important policy change for City council. Further, I have found that the City very likely has additional, non-public, records in its custody and control which, if disseminated, would assist the public in understanding what led City council to make the change. Based on all of this, I find that records related to the Procedure change relate to a matter of public interest.

[84] However, I am not persuaded by what the complainant says that records related to the City's alleged privacy breaches relate to a matter of public interest. I have not found that this issue has been the subject of recent public debate, or directly concerns the environment or public health or safety. I have also found that the City has already responded to the complainant's inquiries regarding this matter and thereby made public its position on the matter and the steps it intends to take to remedy the complainant's concerns. As such, it is not clear to me that disseminating additional records related to this topic would yield a public benefit.

[85] I will now consider whether the complainant is entitled to any reduction of the fee imposed by the City in this case given the requested records about the Gaza motion and the Procedure change relate to matters of public interest.

Should the complainant be excused from paying the fee?

[86] Prior orders have considered the following questions to be relevant at this stage of the s. 75(5)(b) analysis:

- Is the complainant's primary purpose for making the request to use or disseminate the information in a way that can reasonably be expected to benefit the public, or is the primary purpose to serve a private interest?
- Will the complainant be able to disseminate the information to the public?
- Did the public body meet its legislated timeline for responding to the access request?
- Was the manner in which the public body attempted to respond to the access request appropriate in light of the public body's duties under s. 6 (duty to assist)?
- Did the complainant co-operate or work constructively with the public body, where the public body so requested during the processing of the access request, including by narrowing or clarifying the access request where reasonable to do so?
- Has the complainant unreasonably rejected a proposal by the public body that would reduce the cost of responding to the access request?
- Would waiving the fee shift an unreasonable cost burden for responding from the complainant to the public body?³²

Parties' submissions

[87] The complainant says they made the access request because they are deeply concerned about the matters underlying the requested records and they are seeking to "gain more understanding of the City's actions."

[88] Concerning their ability to disseminate the information, the complainant references their prior dissemination of information about fundraising related to Gaza. The complainant also cites their connection to activist and humanitarian organizations and the complainant's personal social media presence, all of which they say could help amplify any information they receive. Further, the complainant says they have made local media contacts who are interested in the

³² See, for example, Order F21-48, *supra* note 6 at para. 50 and Order F24-19, 2024 BCIPC 25 at para. 27.

information the complainant believes is contained in the records and could assist the complainant with disseminating it to the public.

[89] Concerning legislated timelines and the City's s. 6 duty to assist the complainant, the complainant raises alleged delays and failures regarding how the City responded to the November access request. However, the complainant does not suggest that the City has missed any timelines or failed to assist the complainant regarding the access request that gave rise to the fee at issue here.

[90] The complainant also says they have demonstrated their willingness to reduce the scope of the access request and cooperate with the FOI process more broadly. However, it is clear to me that the complainant is referencing their offer to reduce the scope of the access request which was made at inquiry and which I have already decided it not relevant to the matters before me here.³³

[91] Finally, the complainant says the cost burden borne by the City to process and respond to the access request is not unreasonable given the importance of the public issues at stake.

[92] In response, the City questions whether the complainant has shown they will be able to effectively disseminate any information released to them. Specifically, the City says the complainant has not established that the journalists they know would actually publish any information provided to them. The City also says the complainant has not shown that any social media accounts they are associated with have a sufficient follower count to meaningfully help disseminate information to the public.

[93] Further, the City says that it has met its legislated timelines and provides evidence of the steps it took to assist the complainant regarding the access request. The City also points out that its initial fee estimate letter advised the complainant that narrowing the access request was an option and the complainant did not follow up with the City regarding this option.

[94] In reply, the complainant asserts that the evidence they have provided is sufficient to establish their ability to disseminate any information they receive to the public and accuses the City of setting the standard for this criterion too high.

Analysis and conclusion

[95] Based on the information before me, I am satisfied that the complainant's primary purpose in making the access request was to use or disseminate the requested information for the benefit of the public. While the complainant only references their personal motivations when discussing this factor in their submission, it is clear to me based on a holistic reading of everything the complainant says that they are primarily motivated by public, as opposed to private or personal, concerns.

³³ See paras. 5-9 of this Order, above.

[96] I also do not agree with the City that the complainant will be unable to disseminate information about the Gaza motion and Procedure change to the public if that information is released to them. It seems to me that the complainant has demonstrated three distinct channels for doing so: their existing connection to local journalists, their association with grassroots organizations, and their association with social media accounts which collectively have more than 3500 followers.

[97] I have considered what the City says about editorial discretion and the potential that the complainant will be unable to convince journalists to publish any information they receive. However, I find the alternative channels of dissemination pointed to by the complainant provide a reasonable fallback in such a case.

[98] Moving on, I find the City met its legislated timelines and attempted to assist the complainant regarding the access request. I am not persuaded that the complainant's allegations about the City's behaviour regarding the November access request are relevant.

[99] Turning to whether the complainant worked constructively with the City regarding the access request, it is not clear to me that the City made any genuine proposal to the complainant which the complainant rejected. I accept, as above, that the City's fee estimate letter raised the possibility of reducing the scope of the access request and that the complainant did not offer to do so prior to the onset of this inquiry. However, while I have some difficulty with the complainant's explanation on this point, ultimately, I take the complainant at their word that they were not aware that this possibility remained open after receiving the City's fee waiver denial letter. Taking all of this together, I find these factors do not weigh in either direction in this case.

[100] Finally, the events which the complainant says motivated the access request are relatively recent. As such, it is not clear to me why the complainant did not include a date range for their request. Because the complainant did not do so, the City estimates that it has more than 180,000 pages of responsive records in its custody and control and I accept that the City's evidence shows that its fee estimate is relatively large due to the work needed to process and organize this amount of responsive material.³⁴

[101] Given this, the size and nature of the fee estimate is, in large part, of the complainant's own making. I am not persuaded by the complainant's brief submission that the underlying public importance of the requested records makes it reasonable for the City to bear any and all costs related to securing, organizing, and disclosing them. Based on all of this, I find that waiving the entire fee would shift an unreasonable cost burden on to the City.

³⁴ Affidavit #1 of City's IT Manager at paras. 3-9.

[102] Taking all of the above together and weighing it out, I find that it is appropriate to waive some, but not all, of the fee estimated by the City in this case.

What amount should be waived?

[103] As noted above, s. 58(3)(c) authorizes me, as the Commissioner's delegate, to confirm, excuse, or reduce the fee imposed by the City.

[104] I have found here that some of the records requested by the complainant are likely to contain information about the Gaza motion and the Procedure change and that these matters relate to the public interest. Based on this, I find this is an appropriate case for me to substitute my own decision for that of the City. This is because the City's decision to refuse to waive any part of the fee was based on its determination that none of the responsive records relate to matters engaging the public interest.

[105] I find that it is appropriate to waive 15% of the fee estimated by the City here. I base this finding on my determination that of the more than 180,000 pages of responsive records identified by the City, at most only a small portion of those records are likely to relate to the Gaza motion or the Procedure change.

CONCLUSION

[106] For the reasons given above, pursuant to s. 58(3)(c) of FIPPA, I hereby reduce the fee imposed by the City for processing the complainant's March 10, 2026, access request to the amount of \$2622.24.

September 16, 2026

ORIGINAL SIGNED BY

Alexander Corley, Adjudicator

OIPC File No.: F26-01216