



Order F26-83

CITY OF POWELL RIVER

Lisa Siew
Adjudicator

September 28, 2026

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Summary: Under the *Freedom of Information and Protection of Privacy Act* (FIPPA), an individual (the Applicant) requested the City of Powell River (City) provide access to records related to a fire department hiring process. The Applicant requested the Office of the Information and Privacy Commissioner (OIPC) review the City's decision to refuse access. The matter was eventually forwarded to the OIPC's inquiry phase for adjudication. At the inquiry, the adjudicator found s. 3(3)(h) (question or answer to be used on an examination or test) did not apply; therefore, the relevant records were subject to FIPPA. The adjudicator also determined the City was not authorized to refuse access to the information at issue in those records under s. 13(1) (advice or recommendations), but it was required to refuse access to some information in other records under s. 22(1) (unreasonable invasion of third-party personal privacy). The adjudicator ordered the City to provide the Applicant with access to the information that it was not authorized or required to withhold under ss. 13(1) or 22(1) of FIPPA.

Statute and sections considered in this order: *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165, ss. 3(3)(h), 13(1), 22(1), 22(2)(a), 22(2)(c), 22(2)(f), 22(3)(a), 22(3)(d), 22(3)(g), 22(3)(h)(i), 22(3)(h)(ii), 22(4)(e) and Schedule 1 (definitions of "contact information", "personal information", "employee", "service provider" and "third party").

INTRODUCTION

[1] Under the *Freedom of Information and Protection of Privacy Act* (FIPPA), an individual (Applicant) requested the City of Powell River (City) provide access to records related to a fire department hiring process that occurred in a certain year. The City located several records responsive to the Applicant's access request, including a video recording, but refused access to information in some of those records under s. 22(1) (unreasonable invasion of third-party personal privacy) of FIPPA. The City fully disclosed the video recording to the Applicant.

[2] The Applicant requested the Office of the Information and Privacy Commissioner (OIPC) review the City's decision to refuse access under s. 22(1). An OIPC investigator was assigned to review and attempt to resolve the parties' dispute through mediation. As a result of the OIPC's mediation process, the City released additional information to the Applicant that it previously withheld under s. 22(1). However, the mediation process did not resolve the rest of the dispute between the parties and the OIPC investigator decided to forward the matter to the OIPC's inquiry phase for adjudication.

[3] When a matter is forwarded to an inquiry, the OIPC investigator will prepare a fact report that, among other things, describes the records and the FIPPA issues in dispute between the parties. In this case, the fact report noted that the records at issue totaled 737 pages and that the only issue in dispute between the parties was whether the City was required to refuse access to the information that it withheld under s. 22(1) of FIPPA.

[4] At the inquiry stage, however, the adjudicator who was assigned to decide the inquiry at that time (the Adjudicator) took the following steps that resulted in additional records and issues not identified in the investigator's fact report being added to the inquiry:

- Upon the Adjudicator's request, the City compiled all the responsive records into a single organized package totaling 755 pages and identified in those records what information it was refusing access to and provided a corresponding table which generally described the records at issue and what FIPPA exception was being relied on to refuse access.¹
- The Adjudicator added s. 13(1) (advice or recommendations) of FIPPA to the inquiry because after reviewing the 755-page records package, the Adjudicator noted the City redacted information in some records under s. 13(1) and determined that the City had identified s. 13(1) as an issue during meditation and it was mistakenly not included in the fact report.²
- The Adjudicator added s. 3(3)(h) (record of a question or answer to be used on an examination or test) to the inquiry based on their review of the responsive records.³

[5] The parties were given the opportunity to provide new submissions about the matters now in dispute. The City provided an initial submission and the Applicant provided a response submission. The City chose not to provide a submission in response to the Applicant's arguments and evidence regarding

¹ Adjudicator's letter to the parties dated February 5, 2026.

² Adjudicator's letter to the parties dated February 19, 2026.

³ Adjudicator's letter to the parties dated April 28, 2026.

the applicability of ss. 3(3)(h), 13(1) and 22(1) of FIPPA to the records or information at issue.

[6] Finally, for reasons unrelated to the inquiry or the parties, the Adjudicator was no longer available to decide the issues in dispute in the inquiry. I am the Commissioner's delegate who was subsequently assigned the task of adjudicating the issues in dispute for this inquiry. After assuming conduct of the inquiry, I notified the parties of the reassignment and sought clarification and answers on several matters.⁴ Both parties provided additional information in response to my questions.

ISSUES AND BURDEN OF PROOF

[7] The issues I must decide in this inquiry, and the order that I will consider those issues, are as follows:

1. Are some of the records at issue outside the scope of FIPPA pursuant to s. 3(3)(h)?
2. Is the City authorized to refuse access to the information that it withheld under s. 13(1)?
3. Is the City required to refuse access to the information that it withheld under s. 22(1)?

[8] *Section 3(3)(h)*: Section 57 of FIPPA establishes the burden of proof in an inquiry, but it does not specify which party has the burden of proof for cases involving s. 3. However, previous OIPC orders have established that the public body bears the burden of establishing that the records are excluded from the scope of FIPPA under s. 3.⁵ I adopt that approach here.

[9] *Section 13(1)*: Section 57(1) of FIPPA requires the City, as the public body, to prove the Applicant has no right of access to the information in dispute under s. 13(1).

[10] *Section 22(1)*: Where a public body has refused access to all or part of a record under s. 22(1), s. 57(2) of FIPPA requires the access applicant to establish that disclosure of the information withheld under s. 22(1) would not be an unreasonable invasion of a third party's personal privacy. However, as the public body in this matter, the City has the burden of first proving that the information it withheld under s. 22(1) is personal information.⁶

⁴ Letter to the parties dated July 30, 2026.

⁵ Order F13-23, 2013 BCIPC 30 (CanLII) at para. 10. Order F17-13, 2017 BCIPC 14 (CanLII) at para. 5, regarding s. 3(1)(d) which was the predecessor to s. 3(3)(h).

⁶ Order 03-41, 2003 CanLII 49220 (BC IPC) at paras. 9-11.

DISCUSSION

Background

[11] Several years ago, the City conducted a hiring process to establish an eligibility list to fill temporary and permanent vacancies that were expected to occur within the Powell River Fire Department.⁷ The Applicant and six other individuals applied for the position by answering screening questions and submitting a cover letter, resume, documented proof of credentials and education, references and a driving record search. I will refer to this group of six individuals, or the individuals within the group, as the job applicants.

[12] The Applicant and four other individuals were qualified to move forward in the hiring process. I will refer to this group of five individuals, or some of the individuals within this group, as the job candidates. The job candidates underwent the following tests or evaluations: a beep test (which is a fitness endurance test), firefighter skills testing, a ride along assessment, a psychometric test (which tests an individual's cognitive abilities, personality traits and behavioural style), an interview and reference checks.

[13] Only two of the five job candidates were successful in the hiring process and were offered employment with the Powell River Fire Department. The Applicant subsequently sought access to records related to the City's hiring process for those positions.

Records and information at issue

[14] The records at issue in this inquiry total 750 pages.⁸ Those records have been withheld in full or in part under ss. 3(3)(h), 13(1) or 22(1) of FIPPA. As I will explain below, the information and records at issue between the parties has changed since the City's initial response to the Applicant's access request.

[15] During the inquiry, the Applicant clarified that they are not seeking access to the following categories of documents in the responsive records about the other job candidates: cover letters, resumes, professional certifications and school transcripts, driving search records and the photocopies of their driver's licences. The Applicant also confirmed that they are not interested in accessing the other job candidates' responses to the same 13 screening questions that the Applicant answered as part of their job application.⁹ Therefore, I will not be

⁷ The information in this background section is compiled from the parties' submissions, evidence and information disclosed in the records.

⁸ The records package provided by the City totals 755 pages but pages 1, 2, 86, 126 and 187 are not responsive records but are title pages that generally describe the records and identify which FIPPA exception the City is relying on to refuse access.

⁹ Applicant's email to the OIPC dated August 7, 2026.

considering whether the City properly refused access to those records under FIPPA.¹⁰

[16] Also, during the inquiry, the City clarified that it had inadvertently withheld certain information in the records that should have been disclosed to the Applicant. At my request, the City then disclosed that information to the Applicant.¹¹ The City also informed me that a record was mistakenly withheld under s. 22(1) of FIPPA when it meant to fully withhold this record under s. 13(1) instead.¹²

[17] As well, at my request, the Applicant informed me that they wanted access to an email chain that the City included as part of the records responsive to the Applicant's access request.¹³ The City withheld the entire email chain under s. 22(1) of FIPPA. I have reviewed the contents of this email chain and it is not related to the City's fire department hiring process. I will, however, consider it as part of this inquiry since the Applicant has confirmed that they are seeking access to this record.

[18] Given all those recent developments, the records and information now at issue in this inquiry and the FIPPA exceptions being relied on to refuse access are as follows:

- Records outside the scope of FIPPA under s. 3(3)(h): pages 127-166, 168, and 171-186 of the records.
- Records fully withheld under s. 13(1): pages 127-186 and 284 of the records.
- Records partially withheld under s. 22(1): pages 4, 7-8, 11-12, 16, 23-24, 26, 69, 88-89, 91, 93, 99, 106-112, 114, 124, 518-519, 521, 523, 529, 536-542 and 544 of the records.
- Records fully withheld under s. 22(1): pages 188-204, 210, 235, 251-255, 268-273, 275-283, 285-516, 545-575 and 687-755 of the records.

[19] I will first consider below whether some of the records at issue fall outside the scope of FIPPA under s. 3(3)(h).

¹⁰ Those documents are found on the following pages of the records: 5-6, 206-209, 211-234, 236-250, 259-267 and 576-686.

¹¹ This information is located on pages 205, 256-258, 274 and 517-544 of the records.

¹² The City's email to the OIPC dated August 6, 2026.

¹³ Email chain located on pp. 567-568 of the records.

Records outside the scope of FIPPA under s. 3(3)(h)

[20] Section 3 of FIPPA identifies categories of records that are excluded from all or a part of FIPPA and not subject to disclosure under FIPPA. Section 3(3)(h) is relevant in this case, and it excludes from the scope of FIPPA all records in the custody or under the control of a public body that is “a record of a question or answer to be used on an examination or test.”¹⁴

[21] The purpose of s. 3(3)(h) is to maintain the integrity of an examination or test.¹⁵ It also protects the integrity and fairness of the testing process by preventing disclosure of information that would reveal the questions in advance to candidates.¹⁶ Moreover, the phrase “is to be used” in s. 3(3)(h) incorporates language in the future tense, thereby, limiting the scope of this provision which means there must be evidence that the public body is currently using the records at issue or intends to use those records in the future.¹⁷ Therefore, the analysis under s. 3(3)(h) requires me to consider the following two questions:

1. Are the records at issue “a record of a question or answer to be used on an examination or test”?
2. If so, then are those records currently being used or will be used by the public body in the future?

[22] Both of those questions must be answered in the affirmative for s. 3(3)(h) to apply, and if it does apply, then the Applicant cannot use FIPPA to gain access to those records. I will consider those two questions below.

Are the records of a question or answer to be used on an exam or test?

[23] The BC Court of Appeal has adopted a broad interpretation of the term “record of a question,” in what is now s. 3(3)(h), to include any records that are integral to an exam or test question and that would “explicitly or implicitly” reveal the exam or test question or “diminish the value of the question for future use.”¹⁸ The BC Court of Appeal also clarified that what is now s. 3(3)(h) would apply even though the access applicant or others already know the exam or test questions and that the exam or test can be an objective or subjective one.¹⁹

¹⁴ FIPPA was amended in late 2021, which resulted in s. 3(3)(h) replacing s. 3(1)(d) with no substantive changes to the wording between the prior version and its replacement.

¹⁵ *University of British Columbia v. Lister*, 2018 BCCA 139 (CanLII) at para. 40, regarding s. 3(1)(d) the previous version of s. 3(3)(h).

¹⁶ Order F17-13, 2017 BCIPC 14 (CanLII) at para. 13.

¹⁷ *Ibid* at paras. 13-16.

¹⁸ *University of British Columbia v. Lister*, 2018 BCCA 139 (CanLII) at para. 40.

¹⁹ *University of British Columbia v. Lister*, 2018 BCCA 139 (CanLII) at paras. 36 and 40.

[24] Some documents that have qualified as a record excluded from the scope of FIPPA under s. 3(3)(h) include interview forms for a job competition,²⁰ a document containing interview questions asked of applicants for university or employment,²¹ and a document that contains the grading system and instructions for evaluating a personal profile provided as part of an individual's university admissions package.²²

[25] In the present case, the City describes the records at issue under s. 3(3)(h) as "records containing examination and interview questions, model answers and marking guides."²³ The Applicant, on the other hand, says the City's description of the records is overly broad and does not specify which records contain questions, answers or marking guides.

[26] For the reasons that follow, I find some but not all the records at issue under s. 3(3)(h) qualify as "a record of a question or answer." The records at issue under s. 3(3)(h) include the following documents:

- A blank form containing "fill in the blank" questions for two tests used in the hiring process,²⁴ the answer sheet or the marking scheme for some tests,²⁵ and interview forms that contain questions and a blank evaluation sheet.²⁶
- Instructions, sometimes along with a blank evaluation form, to be given to the person who will be evaluating a job candidate's performance on certain tests used in the hiring process.²⁷
- Instructions given to the job candidates about certain tests used in the hiring process and that reveal one or more of the following types of information: what the test is about, what the job candidates need to do to complete the test and the scale of possible scores a job candidate can obtain on the test.²⁸

[27] Some of those records such as the test and interview forms and answer sheets clearly reveal the questions or answers to be used on a test or an examination. I also find the disclosure of the instructions to the evaluators or to the job candidates would reveal the examination or test question given what is

²⁰ Order F17-13, 2017 BCIPC 14 (CanLII) at para. 14.

²¹ *University of British Columbia v. Lister*, 2018 BCCA 139 (CanLII) at para. 36.

²² *Ibid* at paras. 3-4 and 42.

²³ City's email to OIPC dated May 11, 2026. The records at issue under s. 3(3)(h) are found on pages 127-166, 168 and 171-186 of the records.

²⁴ Pages 129, 141-144 of the records.

²⁵ Pages 136-139 and 181 of the records.

²⁶ Pages 156-159 and 161-164 of the records.

²⁷ Pages 127-128, 145-148, 149-151, 152-154, 168, 171-175, 177-179, 182, 184-185 of the records.

²⁸ Pages 130-131, 132-135, 140, 155, 166, 176, 180, 183, 186 of the records.

said in those records. I am also satisfied the marking scheme, the evaluation forms and some of the instructions are integral to an exam or test question or an answer. Based on my review of the responsive records, it is clear to me that the Applicant already knows some of the test or exam questions, the interview questions and the instructions. However, the BC Court of Appeal clearly stated that what is now s. 3(3)(h) may apply even though the access applicant or others already know the exam or test questions.²⁹ Therefore, for all those reasons, I find those records qualify as a “record of a question or answer” under s. 3(3)(h).

[28] I am, however, not satisfied that two records qualify as a “record of a question or answer” under s. 3(3)(h). There is an email between two individuals that only contains an email header (which reveals the email recipient, sender, subject, date and the title of an attachment) and a signature block (which contains the email sender’s name, title, organization, contact number and email).³⁰ There is also a document that generally describes the hiring process with very little detail about those processes.³¹ There is nothing in this document or the email that reveals an exam or test question or an answer, nor is it apparent how those two records are integral to an exam or test question or how the disclosure of those records would diminish the value of an exam or test question for future use. Therefore, I find the email and the document describing the hiring process do not qualify as a record of a question or answer under s. 3(3)(h).

Are the records currently being used or will be used by the public body in the future?

[29] I found some of the records at issue qualify as a “record of a question or answer” under s. 3(3)(h). Therefore, the next step is to consider whether those records are currently being used or will be used by the public body in the future. The City argues s. 3(3)(h) applies to the records at issue because they “form part of the City’s ongoing firefighter recruitment framework and are reused in subsequent recruitment competitions.”³²

[30] The Applicant notes, however, that the City did not provide any supporting evidence to show that the records at issue are being used or will be used by the City in current or future job competitions. As well, based on their personal knowledge, the Applicant says the City does not reuse the same questions or tests in every firefighter job competition. Among other things, the Applicant also argues that the necessary standards or skills for a firefighter evolve over time, along with a municipality’s hiring practices and policies; therefore, the various assessments and tests for the position will necessarily change as well.

²⁹ *University of British Columbia v. Lister*, 2018 BCCA 139 (CanLII) at paras. 36 and 40.

³⁰ Email found on p. 160 of the records.

³¹ Page 165 of the records.

³² City’s email to OIPC dated May 11, 2026. This statement is the full extent of the City’s submissions on this matter.

[31] Although it was given an opportunity to do so, the City did not contradict the Applicant's position that the City does not reuse the same questions or tests in every firefighter job competition, nor did it provide evidence to support its own position on s. 3(3)(h). I note that in Order F25-04, the adjudicator was satisfied s. 3(3)(h) applied to a document containing interview questions used in a job competition for a leadership position within the public body's Fire and Rescue Service.³³ The public body in that case had provided affidavit evidence from an individual who was directly involved in the job competition and who provided details that satisfied the adjudicator that the interview questions were "already being used in a different competition that took place after the applicant's interview" and would be used in the future.³⁴ I do not have that type of evidence here. Aside from its general assertion, the City did not provide any supporting evidence to show that the records at issue here are still in use or will be used by the City in future job competitions. As a result, I find the second part of the s. 3(3)(h) has not been met for the records at issue.

Conclusion on s. 3(3)(h)

[32] With two exceptions,³⁵ I found the records at issue qualify as a "record of a question or answer" under s. 3(3)(h).³⁶ However, I am not persuaded that those records are currently in use or will be used by the City as required under s. 3(3)(h). Therefore, I conclude s. 3(3)(h) does not apply to the disputed records.

[33] Accordingly, I find the records at issue under s. 3(3)(h) are subject to FIPPA, and the Applicant has the right to access those records under FIPPA unless an exception applies. The City refused access to all the information in those records under s. 13(1) of FIPPA; therefore, I will next consider whether s. 13(1) applies to those records and to another record that the City is now refusing access to under s. 13(1).³⁷

Advice or recommendations - s. 13(1)

[34] Section 13(1) authorizes the head of a public body to refuse to disclose information that would reveal advice or recommendations developed by or for a public body or minister. A public body is authorized to refuse access to information under s. 13(1) when the information itself directly reveals advice or recommendations or when disclosure would permit accurate inferences about any advice or recommendations.³⁸

³³ 2025 BCIPC 4 (CanLII).

³⁴ Order F25-04, 2025 BCIPC 4 (CanLII) at paras. 17 and 20.

³⁵ Pages 160 and 165 of the records.

³⁶ Pages 127-159, 161-164, 166, 168, and 171-186 of the records.

³⁷ Page 284 of the records.

³⁸ Order 02-38, 2002 CanLII 42472 at para. 135. See also Order F17-19, 2017 BCIPC 20 (CanLII) at para. 19.

[35] Moreover, previous OIPC orders recognize that s. 13(1) protects “a public body’s internal decision-making and policy-making processes, in particular while the public body is considering a given issue, by encouraging the free and frank flow of advice and recommendations.”³⁹

[36] The analysis under s. 13(1) involves two stages. To determine whether s. 13(1) applies, I must first decide if disclosure of the withheld information would reveal advice or recommendations developed by or for a public body or minister. If so, then the next step is to determine whether any of the categories or circumstances listed in ss. 13(2) or 13(3) apply to that information.

[37] Subsections 13(2) and 13(3) identify certain types of records and information that may not be withheld under s. 13(1), such as factual material under s. 13(2)(a) and information in a record that has been in existence for 10 or more years under s. 13(3). If the information falls under a s. 13(2) category or s. 13(3) applies, then the public body must not refuse to disclose that information under s. 13(1).

Step one: would disclosure reveal advice or recommendations?

[38] As noted, to determine whether s. 13(1) applies, I must first decide if disclosure of the information at issue would reveal advice or recommendations developed by or for a public body or minister.⁴⁰

[39] The term “recommendations” includes material that relates to a suggested course of action that will ultimately be accepted or rejected by the person being advised and can be express or inferred.⁴¹ The term “advice”, however, has a distinct and broader meaning than the term “recommendations.”⁴² “Advice” usually involves a communication, by an individual whose advice has been sought, to the recipient of the advice, as to which courses of action are preferred or desirable.⁴³ The BC Court of Appeal has also found that the term “advice” under s. 13(1) includes an opinion that involves exercising judgment and skill to weigh the significance of matters of fact on which a public body must make a decision for future action.⁴⁴

Parties’ submissions on advice or recommendations

[40] The City describes the records that it withheld under s. 13(1) as recruitment evaluation templates, competency scoring matrices or scoring

³⁹ For example, Order 01-15, 2001 CanLII 21569 at para. 22.

⁴⁰ Records fully withheld under s. 13(1): pp. 127-186 and 284 of the records.

⁴¹ *John Doe v. Ontario (Finance)*, 2014 SCC 36 at paras. 23-24.

⁴² *Ibid* at para. 24.

⁴³ Order 01-15, 2001 CanLII 21569 at para. 22.

⁴⁴ *College of Physicians of BC v. British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 at para. 113.

instructions and panel guidance documents. The City argues those records guide decision-makers in subsequent job competitions and that the “structure, weighting, and competency design embedded in these templates constitute advice developed to inform decision-making, with the framework itself being the advice.”⁴⁵ The City submits that any partial severing of those records would either strip the record of meaning or reveal elements of the framework itself.

[41] Among other things, the Applicant argues the City has inappropriately applied s. 13(1) to entire pages of records instead of just withholding information in those records that would reveal advice or recommendations. The Applicant argues the City has not demonstrated that the records at issue under s. 13(1) cannot be reasonably severed as required under s. 4(2) of FIPPA. If there is any information in those records that would qualify as advice or recommendations, then the Applicant submits FIPPA requires the City to sever those portions and disclose the remaining information, which the City has failed to do.

[42] The Applicant also disputes the City’s position that recruitment templates, scoring matrices, and interview evaluation forms constitute advice or recommendations. The Applicant argues those documents are generally standardized administrative tools used to implement the hiring process and typically establish the procedural framework by which candidates are assessed. The Applicant says those records reflect the structure of an established process and not the deliberative advice that s. 13(1) is intended to protect. The Applicant further argues that once a decision-making framework has been implemented and applied in an operational hiring process, the underlying tools used to carry out that process are more appropriately characterized as procedural or factual information, rather than advice or recommendations. The Applicant submits the City has not explained how disclosure of the basic structure of the hiring framework would reveal protected advice.

Analysis and findings on advice or recommendations

[43] As I will explain, I find the disclosure of the records at issue under s. 13(1) would not reveal any advice or recommendations. First, I note the City has withheld information or records under s. 13(1) that it has already disclosed to the Applicant as part of the hiring process or in response to their access request.⁴⁶ For example, the City withheld instructions or forms given to the job candidates about certain tests used in the hiring process.⁴⁷ Previous OIPC orders have consistently found that information that has already been disclosed to an access applicant cannot be withheld under s. 13(1) because disclosing this information

⁴⁵ City’s submission dated March 6, 2026 at p. 2 of pdf.

⁴⁶ Information withheld on pp. 127, 129, 136-139, 140 and 155, 141-144, 145, 156 and 161 but disclosed on pp. 68, 58, 60-63, 59, 67 and 88 of the records.

⁴⁷ Pages 130-131, 132-135, 140, 155, 166, 167, 169-170, 176, 180, 183, 186 of the records.

would not “reveal” any advice or recommendations for the purposes of s. 13(1).⁴⁸ I adopt that approach here. The City already fully or partially disclosed some of the records at issue to the Applicant or the Applicant was provided with some of the redacted information as part of the hiring process; therefore, I find its disclosure now would not “reveal” any advice or recommendations in accordance with s. 13(1) and the City cannot withhold this information under s. 13(1)

[44] Second, the City withheld a variety of instructions, guides, marking schemes, answer sheets and some blank evaluation forms used to mark or assess a job candidate’s performance on certain tests used in the hiring process.⁴⁹ Past OIPC orders have established that for something to be advice or recommendations under s. 13(1), a decision maker must be free not to follow the advice and recommendations created to inform their decision-making.⁵⁰ As well, past OIPC orders have found that s. 13(1) does not apply to directions, instructions, or guidelines because they do not relate to a public body’s deliberative decision-making or policy-making processes but instead communicate a public body’s settled policy or position about how to approach an issue or make a decision.⁵¹ I find that same reasoning applies to the records at issue here.

[45] I find none of the records at issue here reveal advice or recommendations to a decision-maker. Instead, the records provide the individuals who are evaluating the job candidates (the evaluators) with instructions on how to score or assess the job candidates and the necessary documents to accomplish that task. Moreover, given what is said in the records at issue and based on what occurred during the hiring process, I find the evaluators were required to follow the instructions and guides, use the evaluation forms, apply the criteria and assess the job candidate’s performance based on the marking scheme or the answer sheet. I was not provided with any evidence that the evaluators had the discretion not to use the forms or follow the instructions or that they could reject the marking schemes and answer sheets. Therefore, I am not persuaded that s. 13(1) applies to those records.

[46] Third, the City withheld under s. 13(1) two duplicate sets of blank interview questions and evaluation sheets.⁵² It also withheld an email between two individuals that I find contains no content except the email header and the

⁴⁸ Order F23-91, 2023 BCIPC 107 (CanLII) at para. 54; Order F20-32, 2020 BCIPC 38 (CanLII) at para. 36; Order F12-15, 2012 BCIPC 21 (CanLII) at para. 19 and Order F13-24, 2013 BCIPC 31 (CanLII) at para. 19.

⁴⁹ Information withheld on pp. 128, 130-135, 136, 146-147, 148, 149-150, 151, 152-153, 154, 168, 171-175, 177-179, 181, 182 and 184-185 of the records.

⁵⁰ For example, Order F15-49, 2015 BCIPC 52 (CanLII) at para. 43.

⁵¹ For example, Order F26-06, 2026 BCIPC 8 (CanLII) at para. 36 and Order F15-49, 2015 BCIPC 52 (CanLII) at paras. 45-46.

⁵² Pages 156-159 and 161-164 of the records.

signature block of the email sender.⁵³ There is also a document that generally describes the hiring process with very little detail about those processes.⁵⁴ It is not apparent, and the City did not sufficiently explain, how the disclosure of those records would reveal advice or recommendations as required under s. 13(1). I also note that a previous OIPC order found that s. 13(1) does not apply to a list of interview questions that contain no answers, comments, or notations.⁵⁵ I make the same finding here since the interview sheets are blank and do not contain any comments or answers.

[47] The last record at issue under s. 13(1) is a completed summary evaluation form about the Applicant's performance on a test used in the hiring process.⁵⁶ The City argues s. 13(1) applies to this record because "it consists of evaluator observations and recommendations" rather than an objective pass or fail result.⁵⁷ The City acknowledges that the Applicant's overall result on this test has already been disclosed, but it argues that the rest of the information in this record should not be disclosed because "the underlying evaluative commentary reflects advice developed for the City's hiring process."⁵⁸

[48] I am not persuaded, however, that the disclosure of this completed evaluation form reveals advice or recommendations to a decision-maker. None of the evaluator's comments advise or tell the City whether it should hire the Applicant for the firefighting position, rather the comments are limited to the Applicant's performance on the test. The evaluator is also not advising the City on what score it should give the Applicant for the test. Instead, the evaluator is the one making the decision on what scores to assign the Applicant for the test and its various components. I was not also provided with any evidence that the evaluator had the discretion not to use the form or not answer the questions on the form in conducting their assessment of the Applicant. Therefore, I am not satisfied that s. 13(1) applies to this record. I also note that the completed evaluation form is like other records which contain the Applicant's test or evaluation results which the City has already disclosed to the Applicant. The City did not sufficiently explain how this evaluation form is different from those other evaluation or test results some of which also contain an evaluator's commentary.⁵⁹

⁵³ Email is found on page 160 of the records.

⁵⁴ Page 165 of the records.

⁵⁵ Order F19-41, 2019 BCIPC 46 (CanLII) at para 25.

⁵⁶ Page 284 of the records.

⁵⁷ Email from City to OIPC dated August 6, 2026.

⁵⁸ Email from City to OIPC dated August 6, 2026.

⁵⁹ For example, pages 56, 57 and 65 of the records.

Step two: ss. 13(2) and 13(3)

[49] I found the information withheld by the City under s. 13(1) would *not* reveal any advice or recommendations developed by or for a public body. Therefore, it is not necessary for me to consider ss. 13(2) and 13(3).

Conclusion on s. 13(1)

[50] To conclude, I find the City has not met its burden of establishing that s. 13(1) applies to the information in dispute. Accordingly, the City is not authorized to withhold this information from the Applicant under s. 13(1). The City did not apply another FIPPA exception or exclusion to the information that it withheld under s. 13(1); therefore, the City is required under FIPPA to provide the Applicant with access to all the information at issue under s. 13(1).

Unreasonable invasion of third-party personal privacy – s. 22

[51] The City has withheld other information under s. 22(1). Section 22(1) of FIPPA requires a public body to refuse to disclose personal information that would unreasonably invade a third-party's personal privacy. A "third party" is defined in Schedule 1 of FIPPA as any person, group of persons or organization other than the person who made the access request or a public body. Numerous OIPC orders have considered the application of s. 22 and I will apply the same approach in this inquiry. I will explain that approach in my discussion and analysis below.

Personal information

[52] Section 22 applies only to personal information; therefore, the first step in the s. 22 analysis is to determine if the information at issue is personal information under FIPPA. As previously noted, the City who is the public body in this inquiry has the burden of proving the information at issue qualifies as personal information.

[53] "Personal information" is defined in Schedule 1 of FIPPA as "recorded information about an identifiable individual other than contact information." Information is about an identifiable individual when it is reasonably capable of identifying a particular individual, either alone or when combined with other available sources of information.

[54] "Contact information" is defined in Schedule 1 of FIPPA as "information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual." Whether information

will qualify as contact information under s. 22 depends on the context in which the information appears in the records.⁶⁰

[55] The records at issue under s. 22 include the following documents:

- Emails between City employees or between City employees and other individuals, including the job applicants or job candidates, about matters related to the job competition.
- A table that contains the names of all the job candidates and their results for various tests and evaluations used in the hiring process.
- The interview panel's completed evaluation forms for the Applicant's interview.
- A document that contains the questions and answers for one of the Applicant's reference checks.
- Several documents that reveal the completed reference checks for the other job candidates.
- Several documents that reveal the test and evaluation results for the other job candidates, including completed interview evaluation forms.
- Employment letters sent to the two successful job candidates and a related email.

[56] The City describes the information at issue under s. 22(1) as "personal evaluative commentary and third-party personal information."⁶¹ The City argues the disclosure of the disputed information would reveal "personal information about other identifiable [job] applicants, including their participation in the competition, evaluative assessments, their qualifications and application materials" and "their personal employment-related information."⁶²

[57] With names and other identifying details redacted, the Applicant argues that some of the information at issue would not be about identifiable individuals and is, therefore, not personal information under FIPPA. Specifically, the Applicant says just the disclosure of the test or assessment scores, the evaluation comments and the rankings of the job candidates on their own would not reveal a job candidate's identity. The Applicant also argues any procedural

⁶⁰ Order F21-35, 2021 BCIPC 43 (CanLII) at para. 164.

⁶¹ City's submission dated March 6, 2026 at p. 1 of pdf.

⁶² *Ibid* at p. 2 of pdf.

documentation or contextual and administrative material would not qualify as personal information.

Information that is personal information under FIPPA

[58] I find the information at issue under s. 22(1) is about multiple identifiable individuals, including the Applicant, the other job candidates or job applicants, various City employees and officials, people who interviewed the Applicant and the other job candidates and their comments and opinions, individuals who provided references for the other job candidates and their comments and opinions, and individuals who were responsible for conducting a test or an assessment of the job candidates as part of the hiring process.

[59] I find some of this redacted information was not used or provided for work contact purposes and is, therefore, not contact information under FIPPA. For example, the City withheld the names of the individuals who interviewed the five job candidates. Considering the context in which this information appears in the relevant records, I am satisfied the names were provided to identify the individual who was conducting the interview and the assessment of the job candidates, and not for work contact purposes.

[60] As another example, the City withheld the name, phone number, job title or company name of the job candidates' personal or work references. I find this information to be personal information and not contact information because the job candidates provided this information in a job recruitment context for the purpose of allowing the City to assess their suitability for the position by speaking with their references. Considering the context, I am satisfied this redacted information is personal information about both the job candidates and their references and is not contact information under FIPPA.

[61] Some of the information that the City redacted in the disputed records reveals the other job candidates' results on a test or assessment undertaken as part of the hiring process or their rankings in the job competition or on a test or assessment. The Applicant argues this information on its own would not reveal a job candidate's identity and is, therefore, not personal information under FIPPA. However, as I will explain, I find there are various factors in this case that makes this information about identifiable individuals rather than non-identifying information.

[62] First, the pool of potential job candidates is small, totalling five individuals, including the Applicant. Second, there is evidence in the records that shows the Applicant already knows the identities of the other four job candidates.⁶³ Third,

⁶³ For example, p. 33 of the records is an email that includes all the names and email addresses of the job candidates including the Applicant, which I find proves the Applicant knows the identities of the other four job candidates.

I find it reasonable to conclude that the Applicant knows which job candidates were offered positions within the Powell River fire department and which were not because of the Applicant's personal knowledge and involvement with that fire department. Fourth, some of the information at issue is structured or listed from total highest to lowest score or alphabetically by the job candidates' names. Fifth, the City already disclosed almost all the Applicant's scores and results for the various test and assessments used as part of the hiring process. Lastly, the City decided to hire the two job candidates with the highest total scores.

[63] Taking all those factors into account, I find this combined information could allow the Applicant to determine which result or score belongs to the two successful job candidates and the two unsuccessful job candidates. As a result, I find the other job candidates' scores or results on their own would still be about identifiable individuals and is, therefore, personal information under FIPPA.

Information that is not personal information under FIPPA

[64] I find, however, that some of the information at issue qualifies as contact information such as the name, title, email address, business address, phone or fax number and company or employer's name of various individuals including City employees and officials and an individual who was hired to conduct the psychometric test taken by the five job candidates. As one example, the City withheld the email addresses and signature blocks of City employees who were involved in or assisted with the hiring process even though those individuals were communicating amongst themselves or with others via email for work purposes related to the job competition. It is clear to me from the surrounding context and from information in the relevant records themselves that these individuals provided information to others for work contact purposes or were communicating for work-related or business purposes. As a result, I find some of the information that the City redacted in the disputed records qualifies as contact information and not personal information under FIPPA.⁶⁴

[65] As part of the job competition, the five job candidates had to complete various tests and assessments and take part in an interview. The City fully withheld some of those records, even though it was required to sever those records in accordance with s. 4(2) of FIPPA and conduct a line-by-line review. The City withheld non-identifiable information such as instructions, information about the tests, scoring guides, the title of the form, and the questions and various fields on the form. None of this information is personal information under FIPPA because it is not about an identifiable individual.

[66] For example, the five job candidates had to complete a psychometric test. The City fully withheld a two-page document that generally explains certain

⁶⁴ For example, information found on pp. 251-255, 278, 285, 288 of the records.

things about the psychometric test.⁶⁵ None of the redacted information in this document is about an identifiable individual and instead consists of specific information about the test and how to understand the range of possible results that an individual can obtain on the test. The City also redacted the name of the company that conducted the test; however, corporations and companies do not have personal privacy rights under s. 22 of FIPPA.⁶⁶ The City provided no explanation or evidence to explain how this corporate information or the other redacted information in this document is about an identifiable individual for the purposes of s. 22. Therefore, I find this two-page document does not contain personal information as defined in FIPPA.

[67] As another example, the five job candidates were also interviewed as part of the hiring process. The individuals who conducted the interviews (the interviewers) all used the same nine-page interview evaluation form. The City withheld the instructions that came with the evaluation forms.⁶⁷ In some cases, there are brief handwritten notes on the instruction form which I find are about an identifiable individual, but none of the information in the instructions itself reveals anything about an identifiable individual. Therefore, I find the instructions do not contain personal information as defined in FIPPA.

[68] To conclude, I am satisfied that most of the information at issue in this inquiry is personal information under FIPPA. I do find, however, that some of the information at issue is contact information which means it is not personal information under FIPPA. I also find that the City withheld information in the records at issue that is not about any identifiable individual and is, therefore, not personal information under FIPPA.

Section 22(4) – disclosure not an unreasonable invasion

[69] The second step in the s. 22 analysis is to determine if the information that I found qualifies as personal information falls into any of the types of information or circumstances listed in s. 22(4). If it does, then the disclosure of the personal information is not an unreasonable invasion of a third party's personal privacy, and the information cannot be withheld under s. 22(1).

[70] The Applicant argues s. 22(4)(e) applies in this case. The City did not provide any submissions about s. 22(4) or address the Applicant's arguments about s. 22(4)(e). I have reviewed the other provisions under s. 22(4) and, based

⁶⁵ Pages 271-272 of the records.

⁶⁶ Order F17-39, 2017 BCIPC 43 at para. 75.

⁶⁷ Instructions located on pp. 295 and 322 (duplicate), 304 and 331 (duplicate), 313 and 340 (duplicate), 349 and 378 (duplicate), 360 and 389 (duplicate), 369 and 398 (duplicate), 407 and 434 (duplicate), 416 and 443 (duplicate), 425 and 452 (duplicate), 461 and 489 (duplicate), 480 and 508 (duplicate) of the records.

on the materials before me, I find no other provisions under ss. 22(4) are relevant to this inquiry. I will consider s. 22(4)(e) below.

A public body employee's position or functions – s. 22(4)(e)

[71] Section 22(4) states the disclosure of personal information about a third party's position, functions or remuneration as an officer, employee or member of a public body is not an unreasonable invasion of the third party's personal privacy.

[72] Previous OIPC orders have found that s. 22(4)(e) applies to information that reveals a public body employee's name, job title, duties, functions, remuneration (including salary and benefits) or position.⁶⁸ Section 22(4)(e) has also been found to apply to information that relates to a public body employee's job duties in the normal course of work-related activities, namely objective, factual information about what the individual did or said in the course of discharging their job duties.⁶⁹

[73] Whether s. 22(4)(e) applies in a particular case, however, depends on the context in which the information at issue appears in the records. Section 22(4)(e) does not apply where the information at issue appears in a context that reveals more than just the third party's name, job title, duties, functions, remuneration, position or what they did in the normal course of their work or activities as a public body officer, employee or member.⁷⁰

[74] The Applicant submits s. 22(4)(e) applies to information that reveals City employees or individuals acting as interviewers or evaluators during the hiring process. The Applicant argues those individuals are performing duties on behalf of the City in their official capacity; therefore, the information relating to how those duties were performed falls within s. 22(4)(e).

[75] I understand the Applicant is arguing s. 22(4)(e) applies to any comments or opinions given by interviewers or evaluators about the five job candidates. As previously noted, the five job candidates were interviewed as part of the hiring process and the interviewers completed a nine-page interview evaluation form. The City partially redacted some of what the interviewers said about the Applicant in those evaluation forms and fully redacted the interview evaluation forms for the other four job candidates including their answers to the interview questions. Although those interviewers completed the evaluation forms in the normal course of performing their job duties for the City, I find disclosing this information would reveal more than just objective, factual information about how

⁶⁸ For example, Order F20-54, 2020 BCIPC 63 (CanLII) at para. 56 and footnote 45.

⁶⁹ Order 01-53, 2001 CanLII 21607 at para. 40 and Order F18-38, 2018 BCIPC 41 (CanLII) at para. 70.

⁷⁰ Order F23-28, 2023 BCIPC 32 (CanLII) at para. 42.

the interviewers performed their duties and functions. Specifically, it would reveal personal information about the job candidates, as well as the interviewer's opinions and assessments of the Applicant and the other job candidates. Accordingly, I find s. 22(4)(e) does not apply to this information.

[76] As I will explain, however, I am satisfied that s. 22(4)(e) applies to some of the information redacted in the disputed records. Specifically, it applies to some information in the interview evaluation forms, in various emails and in employment letters for the two successful candidates.

[77] Starting first with the interview evaluation forms, the City fully withheld the interview evaluation forms completed for the other four job candidates including the names or initials of each interviewer.⁷¹ Based on my review of the records, I can see that the other four job candidates were each interviewed by the same three-person interview panel. There is also information in the records that shows the interviewers were all City employees and, therefore, public body employees for the purposes of s. 22(4)(e).⁷² I find that s. 22(4)(e) applies to the names or initials of each interviewer because those employees recorded that information on the relevant forms in the ordinary course of performing their job duties for the City and the disclosure of this information would only reveal their position or functions as the City employees who were responsible for interviewing and assessing the job candidates.

[78] The City also fully redacted various emails which would reveal the names, job titles or information about the duties of several individuals who work for the City. Some of the redacted information consists of objective, factual information about what those City employees said and did in the normal course of their work or in administering the job competition for the City such as sending application materials or test results to other City employees and corresponding with job candidates, job applicants and other City employees about matters related to the job competition. I find disclosing this information would only reveal the individual's position or function with the City and the fact those individuals are City employees or officials. Therefore, I conclude s. 22(4)(e) applies to that information.

[79] The City also withheld certain information about the individual who conducted the psychometric testing of the five job candidates. I will refer to this individual as the test administrator. Section 22(4)(e) only applies to a public body employee, officer or member; therefore, I must consider whether the test

⁷¹ Information on pp. 295 and 322 (duplicate), 296 and 323 (duplicate), 305 and 332 (duplicate), 314 and 341 (duplicate), 349 and 378 (duplicate), 350 and 379 (duplicate), 361 and 390 (duplicate), 370 and 399 (duplicate), 407 and 434 (duplicate), 408 and 435 (duplicate), 417 and 444 (duplicate), 425 and 452 (duplicate), 426 and 453 (duplicate), 461 and 489 (duplicate), 462 and 490 (duplicate), 472 and 500 (duplicate), 481 and 509 (duplicate) of the records.

⁷² For example, information on pp. 23-25 of the records.

administrator falls under one of those categories. The term “employee” is defined under Schedule 1 of FIPPA to include a “service provider” which is defined in Schedule 1 to mean “a person retained under a contract to perform services for a public body.” From my review of the records, I am satisfied that the test administrator was hired to perform psychometric testing services for the City.⁷³ Accordingly, I find the test administrator is a service provider and, therefore, a City employee for the purposes of s. 22(4)(e). In various emails between the test administrator and City employees, the City withheld the test administrator’s name and objective factual information about what they said and did as part of coordinating the testing of the five job candidates.⁷⁴ I find s. 22(4)(e) applies to that information because it would only reveal the test administrator’s position or function as a City employee.

[80] Lastly, the City fully withheld copies of the employment letters sent to the two successful job candidates and a related email.⁷⁵ Past OIPC orders have found s. 22(4)(e) applies to any information in an employment contract that reveals a third party’s position, functions or remuneration as an officer, employee or member of a public body such as salaries, terms of reference or job descriptions, but it does not apply to information that reveals the third party’s home address.⁷⁶ I find the same reasoning applies to the two employment letters and the related email at issue here. Most of the redacted information in the employment letters reveal the two successful job candidates’ accepted salaries, their position, terms of employment and their benefits, while the email contains information about one of the successful job candidate’s terms of employment. Therefore, consistent with previous OIPC orders, I find s. 22(4)(e) applies to that information because it is about a third party’s position, remuneration or functions as a public body employee.

[81] To summarize, I find s. 22(4)(e) applies to some information that the City redacted in interview evaluation forms, various emails and in employment letters for the two successful candidates. As a result, I find it would not be an unreasonable invasion of a third party’s personal privacy to disclose this information to the Applicant, and this information cannot be withheld under s. 22(1).

Section 22(3) – disclosure presumed to be an unreasonable invasion

[82] The third step in the s. 22 analysis is to determine whether any of the presumptions set out in s. 22(3) apply. Section 22(3) creates a presumption that

⁷³ For example, invoice for services disclosed on p. 15 of the records.

⁷⁴ Emails are located at pp. 251-254 and 559-566 of the records.

⁷⁵ Letters found on pp. 571-574 and 687-690 of the records and email at p. 570 of the records.

⁷⁶ Order 02-56, 2002 CanLII 42493 (BC IPC) at paras. 32, 61, 63-65, 71-72 where the adjudicator found s. 22(4)(e) applied instead of s. 22(3)(d), order upheld on judicial review by the BC Supreme Court at *Architectural Institute of BC v. Information and Privacy Commissioner for BC*, 2004 BCSC 217 (CanLII); Order No. 303-1999, 1999 CanLII 2881 (BCIPC).

the disclosure of certain types of personal information or in certain circumstances would be an unreasonable invasion of third-party personal privacy. These presumptions, however, can be rebutted in the last stage of the s. 22 analysis.

[83] The City submits the presumptions under ss. 22(3)(d), 22(3)(g) and 22(3)(h) apply to some of the information at issue. I have considered the presumptions under s. 22(3) and find s. 22(3)(a) is also relevant. The parties did not identify any other s. 22(3) presumptions that may apply and I am satisfied there are no other s. 22(3) presumptions that may be relevant. I will consider ss. 22(3)(a), 22(3)(d), 22(3)(g) and 22(3)(h) below.

Medical evaluation or treatment and psychological evaluation of a third party – s. 22(3)(a)

[84] Section 22(3)(a) states that a disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation. I find the presumption under s. 22(3)(a) applies to some information that the City redacted about a third party in an email because it reveals a third party's medical treatment.⁷⁷ Therefore, the disclosure of this information is presumed to be an unreasonable invasion of that third party's personal privacy.

[85] The City also withheld certain information that I find qualifies as a medical evaluation of two third parties. Any successful job candidates were required to undergo a "NFPA doctor's medical exam in Vancouver."⁷⁸ The City fully withheld the records related to the medical exam of the two successful job candidates. Based on my review of the relevant information, I am satisfied that the presumption under s. 22(3)(a) applies to some information in those records.⁷⁹

[86] I also find some of the information at issue relates to the psychological evaluation of the other four job candidates. The word "psychological" is an adjective that is ordinarily defined, in part, to mean relating to psychology which is the science or study of the mind and behaviour.⁸⁰ The City withheld the psychometric test results of the other four job candidates.⁸¹ I can see that the psychometric test evaluates their mental processes and behaviour. It is not in dispute that the other four job candidates qualify as third parties under FIPPA. Therefore, I am satisfied the psychometric test results relate to the psychological

⁷⁷ Information found on p. 567 of the records.

⁷⁸ Information openly disclosed on p. 21 of the records.

⁷⁹ Information is located on pp. 286-287 and 289-290 of the records.

⁸⁰ Merriam-Webster's online dictionary: <https://www.merriam-webster.com/dictionary/psychological>.

⁸¹ Pages 200 and 273 (duplicate), 270 and 751 (duplicate), 273 and 752 (duplicate), 275 and 753 (duplicate), 276 and 754 (duplicate) and 277 and 755 (duplicate) of the records.

evaluation of several third parties. As a result, I find the presumption under s. 22(3)(a) applies to this information.

Employment or occupational history of a third party - s. 22(3)(d)

[87] Section 22(3)(d) creates a presumption against disclosure where the personal information relates to the employment, occupational or educational history of a third party. The City argues some of the information at issue relates to a third party's employment history, specifically the other four job candidates' employment-related information such as "their participation in the competition, evaluative assessments, their qualifications and application materials."⁸²

[88] I can see that in some records, the City withheld information that reveals which individuals, other than the Applicant, were chosen to move forward in the hiring process and which were not.⁸³ The City also withheld the scores and various qualitative comments about the other four job candidates on various tests, assessments and the interview evaluation forms.⁸⁴ Previous OIPC orders have found this type of information falls under s. 22(3)(d), specifically personal information related to a job competition such as a third party's interview results, evaluation scores and assessments of their job application.⁸⁵ Therefore, consistent with past OIPC orders, I find the presumption under s. 22(3)(d) applies to that information.

[89] I note that some of the redacted information reveals the identification number of the physicians who did the medical exam for the two successful job candidates.⁸⁶ Previous OIPC orders have found that unique work-related identifiers such as physician identification numbers relate to a person's occupational history under s. 22(3)(d).⁸⁷ Therefore, consistent with past orders, I conclude that s. 22(3)(d) applies to the identification numbers of the physicians because those numbers are unique personal identifiers that were assigned to those individuals as part of their registration with the regulatory body that governs their profession. Therefore, I conclude this personal identifier is a part of their occupational history, and its disclosure is presumed to be an unreasonable invasion of those third parties' personal privacy under s. 22(3)(d).

⁸² City's submission dated March 6, 2026 at p. 2 of pdf.

⁸³ For example, information on pp. 26, 268-269, 291-294 of the records.

⁸⁴ For example, information on pp. 69, 280-283, 691-705, 706-720, 721-735 and 736-750 of the records.

⁸⁵ For example, Order F16-28, 2016 BCIPC 30 (CanLII) at para. 94 and Order F23-94, 2023 BCIPC 110 (CanLII) at para. 43.

⁸⁶ Information on pp. 286, 287 and 289 of the records.

⁸⁷ Order F21-35, 2021 BCIPC 43 (CanLII) at para. 189 and Order F23-14, 2023 BCIPC 16 (CanLII) at para. 87 and the orders cited there.

[90] The City also withheld information that reveals when the test administrator was absent from work.⁸⁸ Past adjudicators have found that s. 22(3)(d) did not apply to similar information that describes how an employee spent their vacation, factual statements about a third party's whereabouts and generic details about when various individuals went on vacation or were not in the office.⁸⁹ I agree with that approach and find the information here would only reveal generic details about a person's absence from their work. Therefore, without more, I find this type of information is not sufficiently connected to a person's employment to qualify as their employment history under s. 22(3)(d).

Personal recommendation, evaluation or character reference about a third party - s. 22(3)(g)

[91] Section 22(3)(g) creates a presumption that it is an unreasonable invasion of a third party's personal privacy to disclose personal information that consists of personal recommendations or evaluations, character references or personnel evaluations about a third party.

[92] The City submits s. 22(3)(g) applies to information in the interview evaluation forms that reveal "candid evaluative commentary concerning an identifiable individual who remains employed by the City, and disclosure would have direct implications for ongoing workplace relationships."⁹⁰ The City did not identify the relevant individuals that it is referring to or what type of assessment under s. 22(3)(g) applies here; however, I can see there are interview evaluation forms completed for the Applicant and for the other four job candidates. Section 22(3)(g) only applies to evaluative material about a *third party*, and the other four job candidates qualify as third parties in this case. Therefore, I understand the City is arguing the interview evaluation forms completed for the other four job candidates qualify as "personal evaluations" of a third party under s. 22(3)(g).

[93] The Applicant did not dispute the City's position about s. 22(3)(g) but argued, among other things, that the presumption under s. 22(3)(g) is not absolute and must be balanced against other factors under s. 22(2) such as fairness and public scrutiny. However, the assessment of the various factors against each other to determine whether disclosure would be an unreasonable invasion of a third party's personal privacy occurs later in the s. 22 analysis and does not occur during the s. 22(3) stage regarding applicable presumptions. I will consider the Applicant's arguments about relevant and competing factors under the later part of the s. 22 analysis.

⁸⁸ Information found on pp. 252-253, 559 and 564-565 of the records.

⁸⁹ F20-38, 2020 BCIPC 44 at paras. 77 and 79, Order F20-20, 2020 BCIPC 23 (CanLII) at para. 131, Order F21-32, 2021 BCIPC 40 (CanLII) at para. 101.

⁹⁰ City's submission dated March 6, 2025 at p. 1 of pdf.

[94] For the reasons that follow, I am satisfied that the presumption under s. 22(3)(g) applies to information in the interview evaluation forms completed for the other four job candidates and the reference checks obtained for those four job candidates. First, for information to be considered a personal evaluation under s. 22(3)(g), there must be a formal assessment or evaluation of a third party's performance by another individual.⁹¹ In the present case, it is not in dispute that the interviews and the reference checks were a formal evaluation or assessment of the job candidates by other individuals.

[95] Second, s. 22(3)(g) has been found to apply to evaluative material about a third party's performance in an interview or to the contents of an employment reference.⁹² Previous OIPC orders have also made it clear that s. 22(3)(g) applies to information in a record that consists of evaluative material and typically not the entire record.⁹³ In this case, I can see that the interview evaluation forms contain evaluative material about the job candidates such as evaluative comments about their responses to the interview questions and scores that the interviewers gave the job candidates for their answers to the questions.⁹⁴ I can also see that the reference checks contain evaluative material about the job candidates' past work performance and behaviour.⁹⁵ Therefore, consistent with past OIPC orders, I find that the presumption under s. 22(3)(g) applies to information in the interview evaluation forms and the reference checks completed for the other four job candidates.

Personal evaluation supplied in confidence by a third party - s. 22(3)(h)

[96] Section 22(3)(h) states the disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if the disclosure would reveal:

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

⁹¹ Order 01-07, 2001 CanLII 21561 (BCIPC) at paras. 21-22.

⁹² Order F23-94, 2023 BCIPC 110 (CanLII) at para. 47 and Order F22-22, 2022 BCIPC 24 (CanLII) at para. 36.

⁹³ For example, Order 01-07, 2001 CanLII 21561 (BCIPC) at para. 21.

⁹⁴ For example, information on pp. 296-303, 305-312 and 314-321 of the records.

⁹⁵ For example, information on pp. 190-192, 196-197 and 198-199 of the records.

[97] The City submits the presumption under s. 22(3)(h) applies to some of the information at issue; however, it did not identify whether it is relying on ss. 22(3)(h)(i) or 22(3)(h)(ii); therefore, I will consider both provisions. Having found the presumption under s. 22(3)(g) applies to some of the information in the records at issue, it is not necessary for me to consider whether ss. 22(3)(h)(i) and 22(3)(h)(ii) also apply to the same information. Therefore, I will only consider whether ss. 22(3)(h)(i) and 22(3)(h)(ii) apply to the information not yet subject to a presumption under s. 22(3).

[98] Sections 22(3)(h)(i) and 22(3)(h)(ii) each protect different information and have different requirements, but a shared requirement for both provisions is that the information at issue must be related to a personal recommendation, a personal evaluation, a character reference or a personnel evaluation that was supplied in confidence by a third party. The City did not specify which type of record listed in s. 22(3)(h) applies here; however, based on my review of the materials before me, I conclude none of the information at issue is related to a “personal recommendation”, “personnel evaluation” or a “character reference.” Therefore, my analysis under ss. 22(3)(h)(i) and 22(3)(h)(ii) will consider whether the information at issue is related to a “personal evaluation” supplied in confidence by a third party.

[99] The City submits s. 22(3)(h) applies to information in the interview evaluation forms that reveal “candid evaluative commentary concerning an identifiable individual who remains employed by the City.”⁹⁶ The City did not identify the relevant individuals that it is referring to here; however, as previously mentioned, I can see there are interview evaluation forms completed for the Applicant.⁹⁷ I can also see the City fully withheld one reference check about the Applicant.⁹⁸ While s. 22(3)(g) protects evaluative material about a third party, the presumptions under ss. 22(3)(h)(i) and 22(3)(h)(ii) may apply to information related to a third party’s confidential evaluation about an access applicant.

Identity of a third party – s. 22(3)(h)(i)

[100] I will first consider s. 22(3)(h)(i) and whether the City redacted information in the relevant interview evaluation forms and the reference check that *reveals the identity* of a third party who supplied in confidence a “personal evaluation” about the Applicant. It is not in dispute in this case that the interviewers are third parties as defined in Schedule 1 of FIPPA. The City disclosed the identities of the interviewers in the interview evaluation form about the Applicant; therefore, I find s. 22(3)(h)(i) clearly does not apply to that information.

⁹⁶ City’s submission dated March 6, 2025 at p. 1 of pdf.

⁹⁷ For example, pp. 88, 89, 91, 93, 99, 106-112 of the records.

⁹⁸ Pages 188-189 of the records.

[101] Regarding the reference check, I can see that this document contains the name of the individual who provided the reference about the Applicant and that the City withheld this information from the Applicant. It is not in dispute in this case that the individual who provided the reference is a third party as defined in FIPPA. However, job applicants typically provide the names and contact information of their references as part of their job application, or upon request, and there is nothing in the responsive records or the parties' submissions that indicates that this normal practice did not occur here. Otherwise, it is unclear how the City knew to contact this individual for a reference check about the Applicant. I also note there is information in the records that suggests the job candidates, including the Applicant, were asked for references after the interview.⁹⁹ Therefore, I find it reasonable to conclude that the Applicant already knows the identity of the individual who provided the reference about them since the Applicant would have provided this information to the City.

[102] With that in mind, s. 22(3)(h)(i) specifically requires the disclosure of the information at issue to *reveal* the identity of the individual who provided the reference. Previous OIPC orders have determined that when it comes to ss. 12(1) and 13(1), both of which also contain the word "reveal", the disclosure of information that has already been released to, or that is already known by, an access applicant does not "reveal" that information.¹⁰⁰ I agree with that conclusion and adopt the same approach under s. 22(3)(h). It makes no logical sense under s. 22(3)(h)(i) to protect the identity of the individual who gave the reference when the Applicant already knows the individual's identity and was the one who provided this information to the public body. Therefore, I find s. 22(3)(h)(i) does not apply to the name of the Applicant's reference in the reference check that the City conducted as part of the hiring process.

Contents of a personal evaluation supplied by a third party – s. 22(3)(h)(ii)

[103] I will now consider s. 22(3)(h)(ii) and whether the City redacted information in the interview evaluation form and the reference check about the Applicant that would reveal the *contents* of a "personal evaluation" supplied in confidence by a third party. As previously noted, it is not in dispute that the interviewers and the individual who provided the reference are third parties in this case.

[104] I find the City redacted information in the interview evaluation form and the reference check that does not qualify as evaluative material about the Applicant. First, the City withheld comments that I find are really about the interviewer or is not a personal evaluation of any individual.¹⁰¹ Second, the City withheld certain biographical information about the Applicant and about the individual providing

⁹⁹ Information on p. 95 of the records.

¹⁰⁰ Order F24-73, 2024 BCIPC 83 (CanLII) at para. 79 and the orders cited there.

¹⁰¹ Information on pp. 107 and 537 (duplicate), 109 and 539 (duplicate) and 112 and 542 (duplicate) of the records.

the reference.¹⁰² I find the presumption under s. 22(3)(h)(ii) does not apply to this information because it reveals no evaluation about the Applicant or another individual.

[105] I can also see that the City already disclosed to the Applicant some of the information that it redacted in the interview evaluation form.¹⁰³ The City did not explain this inconsistency; nonetheless, it is clear to me that the Applicant already knows this information because the City provided the Applicant with a document that reveals this information. As previously noted, the presumption under s. 22(3)(h) does not apply if there is evidence or the surrounding circumstances indicate that the Applicant already knows the information at issue. In my view, information that has already been released to, or that is already known by, an access applicant does not “reveal” that information in accordance with s. 22(3)(h). Therefore, I find the presumption under s. 22(3)(h)(ii) does not apply to this already disclosed information.

[106] However, I can see some of the information redacted in the interview evaluation form would reveal evaluations of the Applicant and their responses to the interview questions.¹⁰⁴ I can also see that the reference check contains information that would reveal the third party’s assessment about the Applicant.¹⁰⁵ As was the case for s. 22(3)(g), for information to be considered a personal evaluation under s. 22(3)(h), there must be a formal evaluation of an individual’s performance by a third party.¹⁰⁶ It is not in dispute that the interview and the reference check were a formal evaluation or assessment of the Applicant by a third party. Therefore, I am satisfied that some of the information redacted in the interview evaluation form and the reference check would reveal the contents of a third party’s personal evaluation of the Applicant.

[107] The next question under s. 22(3)(h)(ii) is whether the third parties supplied their personal evaluations about the Applicant to the City in confidence. I find there is nothing in the responsive records or the parties’ submissions that establishes the relevant third parties provided their evaluative comments to the City in confidence. For example, there are no explicit statements or indicators of confidentiality in the records themselves nor is there any evidence about confidentiality from the interviewers or the individual who provided the reference.

[108] It is also not obvious from the nature of the hiring process that this information was supplied by the interviewers in confidence particularly since the City disclosed most of the information in the interview notes to the Applicant. The

¹⁰² Information on p. 188 of the records.

¹⁰³ Information withheld on pp. 91, 93, 99, 108 but disclosed on pp. 78, 79, 80 of the records.

¹⁰⁴ Information on pp. 88, 89, 91, 107-111, 114, 124 of the records.

¹⁰⁵ Information on pp. 188-189 of the records.

¹⁰⁶ Order 01-07, 2001 CanLII 21561 (BCIPC) at paras. 21-22 and Order F20-13, 2020 BCIPC 15 (CanLII) at para. 61.

City did not sufficiently explain why only certain comments made by the interviewers in the interview evaluation form would be supplied in confidence while others were not. Accordingly, without more, I am unable to find s. 22(3)(h)(ii) applies to the evaluative material about the Applicant withheld in the interview evaluation forms.

[109] Regarding the evaluative material in the reference check, in Order F22-22, the adjudicator was satisfied that reference letters about an access applicant were supplied in confidence based on affidavit evidence that the public body provided to establish that it treats letters of reference as supplied in confidence and does not disclose them to job candidates.¹⁰⁷ I do not have that type of evidence here. However, the City submits that it withheld the entire reference check under s. 22(1) because it never received the third party's authorization to disclose this document to the Applicant.¹⁰⁸ Although it does not directly say so, I understand the City is arguing that the third party provided the reference in confidence and the City upheld that confidentiality by not disclosing it without their consent. I accept that situation applies here, otherwise the City would not have sought the third party's consent to disclose the reference check in response to the Applicant's access request. Therefore, I find this requirement under s. 22(3)(h)(ii) has been satisfied for the evaluative material in the reference check.

[110] The final question under s. 22(3)(h)(ii) is whether the Applicant could reasonably be expected to know the identity of the third party who provided the evaluative material in the reference check about the Applicant in confidence. I found under s. 22(3)(h)(i) that it is reasonable to conclude that the Applicant already knows the identity of the individual who provided the reference; therefore, I find this final requirement under s. 22(3)(h)(ii) has been satisfied. Accordingly, I find that s. 22(3)(h)(ii) applies to some information in the reference check and, therefore, the disclosure of this information is presumed to be an unreasonable invasion of the third party's personal privacy.

Section 22(2) – relevant circumstances

[111] The final step in the s. 22 analysis is to consider all relevant circumstances to assess the impact of disclosing the personal information at issue. Section 22(2) requires a public body to consider the circumstances listed under ss. 22(2)(a) to (i) and any other relevant circumstances to determine whether disclosing the personal information at issue would be an unreasonable invasion of a third party's personal privacy. One or more of these circumstances may rebut the presumptions under ss. 22(3)(a), 22(3)(d), 22(3)(g) or 22(3)(h)(ii) that I found applies to some information redacted in the records at issue.

¹⁰⁷ 2022 BCIPC 24 (CanLII) at paras. 38 and 42.

¹⁰⁸ Page 188 of the record.

[112] Although it does not directly say so, I understand the City is arguing s. 22(2)(f) (supplied in confidence) applies and favours withholding the information at issue. On the other hand, the Applicant argues ss. 22(2)(a) (public scrutiny) and 22(2)(c) (fair determination of the applicant's rights) apply and weigh in favour of disclosure and that s. 22(2)(f) (supplied in confidence) does not apply.

[113] I have considered whether there are any other circumstances, including those listed under s. 22(2), that may apply. I find the following factors or circumstances are relevant to consider here: s. 22(2)(h) – disclosure may unfairly damage a third party's reputation; some of the information at issue is about the Applicant; and the Applicant already knows some of the information at issue. I will consider all those circumstances below in my s. 22(2) analysis, starting with the s. 22(2) circumstances identified by the parties.

Subjecting a public body's activities to public scrutiny – s. 22(2)(a)

[114] Section 22(2)(a) considers whether disclosing the personal information is desirable for the purpose of subjecting the activities of the BC government or a public body to public scrutiny. One of the purposes of s. 22(2)(a) is to make public bodies more accountable.¹⁰⁹ Therefore, for s. 22(2)(a) to apply, the disclosure of the information at issue must be desirable for subjecting the public body's activities to public scrutiny as opposed to subjecting an individual third party's activities to public scrutiny.¹¹⁰ Accordingly, where disclosure would foster the accountability of a public body, then s. 22(2)(a) may be a relevant circumstance that weighs in favour of disclosing the information at issue.¹¹¹

[115] The Applicant submits s. 22(2)(a) applies in this case because there are legitimate concerns about the transparency and integrity of the City's hiring process. The Applicant explains that they participated in several hiring competitions and were unsuccessful even though they were the only job candidate who possessed all the mandatory requirements for two of the City's hiring competitions. Based on information that they have obtained so far from the City, the Applicant also says they noticed several irregularities with the City's hiring competitions, including incorrect scoring calculations in separate job competitions, missing interview documentation related to their candidacy and discriminatory hiring practices.

[116] The Applicant further submits s. 22(2)(a) is relevant because hiring processes and decisions made by public institutions are matters of legitimate public interest and public importance. The Applicant says transparency in hiring processes promotes fair hiring decisions, consistency, accountability, public

¹⁰⁹ Order F18-47, 2018 BCIPC 50 (CanLII) at para. 32.

¹¹⁰ Order F16-14, 2016 BCIPC 16 (CanLII) at para. 40.

¹¹¹ Order F05-18, 2005 CanLII 24734 (BCIPC) at para. 49.

confidence in public institutions, and helps to ensure that hiring processes are free from bias and discrimination and that evaluation criteria are applied consistently. Among other things, the Applicant says public confidence in emergency services depends on fair, consistent, and accountable hiring practices and that it is essential that the workplace remain free from discrimination and harassment.

[117] Even though it had an opportunity to do so, the City did not address the Applicant's arguments or make any submissions about s. 22(2)(a).

[118] The City withheld several emails between City employees or between City employees and the psychometric test administrator.¹¹² I find some of the information in these emails would reveal a certain request that the City made related to the psychometric testing and would shed some light on how the City handled part of the hiring process in relation to one job candidate. The City also withheld information that would reveal a proposed course of action that the City planned to take regarding the Applicant's response to an interview question.¹¹³ I make no findings about the appropriateness of the City's request or the proposed action,¹¹⁴ but I am satisfied that the disclosure of this information is desirable for subjecting the City's activities regarding the job competition process to public scrutiny in accordance with s. 22(2)(a), which I find weighs in favour of disclosing this information.

[119] I am not satisfied, however, that s. 22(2)(a) applies to the rest of the information at issue. For example, the City withheld some of the interviewer's comments about the Applicant in the interview evaluation form. I conclude this information highlights the interviewer's opinion rather than the City's activities. I also note the City has already disclosed to the Applicant their individual and overall score for the interview and most of the interviewers' comments, which allows the Applicant to see how they were assessed in the interview. Therefore, for all those reasons, I am not satisfied that the disclosure of this information is desirable for subjecting the City's activities to public scrutiny.

[120] Regarding the information related to the other four job candidates, I understand the Applicant has concerns about the City's hiring process and wants to know the other job candidates' evaluation and interview results to ensure the City's hiring process was fair. However, I am not satisfied that disclosing any of this information would shed light on the City's activities in relation to the Applicant's concerns. Instead, the disclosure of this information would reveal what assessments were used as part of the City's hiring process and the job candidates' individual results for those tests which I find is more about an individual third party's activities rather than the City's activities. I also

¹¹² Emails found on pp. 559-566 and 569 of the records.

¹¹³ Information on p. 109 of the records.

¹¹⁴ It is unclear whether the City actually went ahead with the proposed action.

note the City has already disclosed information in the responsive records that shows what evaluations and factors it considered and relied on in making its hiring decision for this job competition.¹¹⁵ Therefore, for all those reasons, I am not satisfied that the disclosure of this information is desirable for subjecting the City's activities to public scrutiny. Accordingly, I find s. 22(2)(a) is not a factor that weighs in favour of disclosing this information.

Fair determination of the applicant's rights – s. 22(2)(c)

[121] Section 22(2)(c) applies to personal information that is relevant to a fair determination of the applicant's rights. Previous OIPC orders have said that all four parts of the following test must be met for s. 22(2)(c) to apply:

1. The right in question must be a legal right drawn from the common law or a statute, as opposed to a non-legal right based only on moral or ethical grounds;
2. The right must be related to a proceeding which is either under way or is contemplated, not a proceeding that has already been completed;
3. The personal information sought by the applicant must have some bearing on, or significance for, determination of the right in question; and
4. The personal information must be necessary in order to prepare for the proceeding or to ensure a fair hearing.¹¹⁶

[122] The Applicant submits s. 22(2)(c) favours disclosure in this case and must be given substantial weight because: (1) there may be information that allows them to assess whether the City's hiring process was conducted fairly; and (2) the records at issue relate directly to their candidacy in a public hiring process and, therefore, impacts the Applicant's employment opportunities and professional advancement. The Applicant says the City did not demonstrate that it meaningfully considered s. 22(2)(c).

[123] Based on the materials before me, I am not satisfied the four-part test under s. 22(2)(c) has been met. I understand the Applicant is arguing that they have the right to ensure that the City conducted a fair hiring process. However, as noted, s. 22(2)(c) requires the right in question to be a legal right drawn from the common law or a statute rather than a moral or ethical right. It is unclear what legal right of the Applicant is at issue here and there is no evidence that a proceeding is being contemplated or is already underway related to any legal right. It is also unclear how the information at issue under s. 22 has any significance for the determination of any legal right or how it is necessary to

¹¹⁵ Information on pp. 11-12 of the records.

¹¹⁶ For example, Order 01-07, 2001 CanLII 21561 at para. 31.

prepare or ensure a fair hearing. In short, considering the materials before me, there is simply insufficient evidence or explanation for me to conclude that all four parts of the s. 22(2)(c) test have been met. I, therefore, find s. 22(2)(c) is not a factor in favour of disclosure.

Supplied in confidence - 22(2)(f)

[124] Section 22(2)(f) requires a public body to consider whether the personal information was supplied in confidence. For s. 22(2)(f) to apply, there must be evidence that a third party supplied personal information to another and, at the time the information was provided, it was done so under an objectively reasonable expectation of confidentiality.¹¹⁷

[125] The City submits the interview evaluation forms reveal “candid evaluative commentary concerning an identifiable individual who remains employed by the City, and disclosure would have direct implications for ongoing workplace relationships.”¹¹⁸ I understand the City is arguing the interviewers supplied the interview evaluation forms about the Applicant in confidence to the City.

[126] For the same reasons given under my analysis of s. 22(3)(h)(ii), I am not satisfied the interviewers provided their evaluative comments about the Applicant to the City in confidence. Specifically, there are no explicit statements or indicators of confidentiality in the records themselves nor is there any evidence about confidentiality from the interviewers. It is also not obvious from the nature of the hiring process that this information was supplied by the interviewers in confidence particularly since the City disclosed most of the information in the interview notes to the Applicant, including the identities of the interviewers. As a result, I find s. 22(2)(f) is not a relevant circumstance that weighs in favour of withholding this information.

[127] I do find, however, that the third party who provided the reference check about the Applicant provided their comments in confidence to the City.¹¹⁹ For the same reasons given under my analysis of s. 22(3)(h)(ii), I accept that the third party provided their reference in confidence and the City upheld that confidentiality by not disclosing it without their consent. I find this same reasoning applies to the reference checks for the other four job candidates. Given the City’s practice regarding job references, I accept that the various third parties who provided references about the other four job candidates did so in confidence.¹²⁰ I, therefore, find s. 22(2)(c) is a factor in favour of withholding that information.

¹¹⁷ Order F23-28, 2023 BCIPC 32 (CanLII) at paras. 78-83 and Order F11-05, 2011 BCIPC 5 (CanLII) at para. 41, citing and adopting the analysis in Order 01-36, 2001 CanLII 21590 (BC IPC) at paras. 23-26 regarding s. 21(1)(b).

¹¹⁸ City’s submission dated March 6, 2025 at p. 1 of pdf.

¹¹⁹ Pages 188-189 of the records.

¹²⁰ For example, pp. 190-192 and 193-195 (duplicate), 196-197 and 201-202 (duplicate) and 198-199 and 203-204 (duplicate) of the records.

[128] I also find the other four job candidates supplied personal information about themselves in the interviews, which is recorded in the interview evaluation forms.¹²¹ Past OIPC orders have found that job applicants typically expect that the personal information they supply in the course of a job application process to be kept confidential and have found that s. 22(2)(f) applies to this information on that basis.¹²² I agree and adopt this reasoning. Therefore, I find s. 22(2)(f) applies to some of the information that the City redacted in the interview evaluation forms for the other four job candidates, which weighs in favour of withholding that information.

Unfair damage to a third party's reputation – s. 22(2)(h)

[129] Section 22(2)(h) requires a public body to consider whether disclosure of the personal information at issue may unfairly damage a third party's reputation. The analysis under s. 22(2)(h) considers what the personal information at issue reveals about a third party referred to in the requested record and whether the disclosure of this information may unfairly damage that person's reputation.¹²³

[130] I note the City withheld some critical comments that several interviewers made about the Applicant and the Applicant's responses to the interview questions.¹²⁴ I can see that some of the interviewers' comments could arguably be characterized as inappropriate or unprofessional. However, I find it would not be unfair for the interviewers to have to defend or be accountable for those comments, especially since the interviewers are public body employees, some of whom occupy a position of authority within the City.¹²⁵ In my view, public body employees responsible for interviewing individuals for an employment opportunity with the public body are obligated and expected to impartially assess a job candidate's interview responses and should be expected to explain or defend any recorded comments that they make as part of the job competition process. Therefore, given this context, I find any possible reputational damage to the interviewers would not be *unfair* under s. 22(2)(h). Accordingly, I am not persuaded that s. 22(2)(h) is a factor that weighs in favour of withholding the interviewers' comments about the Applicant.

[131] The City also withheld an email chain between City employees or officials.¹²⁶ I find this email chain is not related to the City's fire department hiring process that is the focus of the Applicant's access request, and the City did not explain why it included this email chain as part of the responsive records. Nonetheless, when I asked, the Applicant confirmed that they still wanted access

¹²¹ For example, pp. 296-303 and 323-330 (duplicate), 305-312 and 332-339 (duplicate), 314-321 and 341-348 (duplicate) of the records.

¹²² For example, Order F23-94, 2023 BCIPC 110 (CanLII) at paras. 53 and 55.

¹²³ Order F26-32, 2026 BCIPC 40 (CanLII) at para. 129.

¹²⁴ Information on pp. 88, 109, 114 and 124 of the records.

¹²⁵ For a similar finding, see Order F23-13, 2023 BCIPC 15 (CanLII) at para. 180.

¹²⁶ Email chain at pp. 567-568 of the records.

to this record.¹²⁷ Therefore, I have considered whether disclosing any of the information in the email chain may unfairly damage a third party's reputation under s. 22(2)(h). It is not apparent from the contents of the email chain or from the parties' submissions how the disclosure of the redacted information would unfairly harm a third party's reputation. Absent evidence to the contrary, I find the disclosure of the email chain would only reveal City employees or officials conducting and discussing City business. Therefore, I am not persuaded that s. 22(2)(h) is a factor that weighs in favour of withholding this email chain.

Applicant's personal information

[132] I find a relevant factor to consider is that some of the disputed information is a combination of the Applicant and a third party's personal information. For example, some of the information at issue is a third party's evaluation and assessment about the Applicant.¹²⁸ However, in Order 01-53, former Commissioner Loukidelis noted that "an applicant will relatively rarely be refused access to an entire record containing her or his own personal information in order to protect someone else's personal privacy."¹²⁹ I agree and adopt that approach. Previous OIPC orders have stated that it would only be in rare circumstances where disclosure to an access applicant of their own personal information would be an unreasonable invasion of a third party's personal privacy.¹³⁰ Therefore, I find the fact that some of the information at issue is the Applicant's personal information is a factor that weighs in favour of disclosing that information.

Applicant's knowledge about the information at issue

[133] Previous OIPC orders have found that it would not be an unreasonable invasion of a third party's personal privacy under s. 22 to disclose personal information already known to the access applicant.¹³¹ An access applicant's knowledge of the personal information at issue may be a factor that weighs in favour of disclosure where there is evidence, or the circumstances indicate, that an access applicant already knows or likely knows the information at issue.¹³²

[134] It is clear to me that the Applicant already knows some of the s. 22(1) information that the City is withholding because the City disclosed that information in a copy of the records it provided to the Applicant. In several places, the City was inconsistent in its severing, so it withheld information on certain pages but then disclosed that same information elsewhere in the

¹²⁷ Applicant's email to the OIPC dated August 7, 2026.

¹²⁸ For example, pp. 88 and 518 (duplicate) and pp. 188-189 of the records.

¹²⁹ Order F01-53, 2001 CanLII 21607 (BCIPC) at para. 83.

¹³⁰ For example, Order F14-47, 2014 BCIPC 51 at para. 36, citing Order F10-10, 2010 BCIPC 17 at para. 37.

¹³¹ For example, Order F19-41, 2019 BCIPC 46 at paras. 79-80.

¹³² Order F23-13, 2023 BCIPC 15 (CanLII) at para. 184 and Order F17-05, 2017 BCIPC 6 (CanLII) at paras. 54-60.

records.¹³³ The City did not explain this inconsistency in its severing; nevertheless, I am satisfied the Applicant already knows this information since they were given a copy of the relevant records.

[135] The City also withheld the names and the email addresses of the other four job candidates throughout the responsive records. However, it is clear to me that the Applicant already knows this information because the Applicant was included in several group emails with the other job candidates and, in one case, the City disclosed the group email in the records.¹³⁴ I also note that the job competition process required all five job candidates to meet in person as a group for various events, tests and evaluations.¹³⁵ Therefore, the Applicant clearly already knows the identities of the other four job candidates since the Applicant interacted with them in person.

[136] The City also withheld the name and phone number of the individual who provided a reference for the Applicant.¹³⁶ As discussed earlier, I am satisfied the Applicant already knows this information because they would have provided it to the City for the purpose of allowing the City to conduct a reference check about the Applicant.¹³⁷ Therefore, I find the Applicant's knowledge of some of the withheld information weighs in favour of disclosing that information.

Conclusion on s. 22(1)

[137] I found some of the information at issue did not qualify as "personal information" under FIPPA. This information consists of test instructions, information about the tests, scoring guides, the title of some forms, and the questions and various fields on some forms. It also includes information that I found was "contact information" such as the name, title, email address, business address, phone or fax number and company name of various individuals including City employees and officials and the psychometric test administrator. As a result, the City is not required to refuse access to all this information under s. 22(1) since it does not qualify as "personal information" as defined in Schedule 1 of FIPPA.

[138] I found, however, that the rest of the information redacted in the disputed records is the personal information of several individuals, including the Applicant, the other job candidates, the job applicants, City employees and the individuals who provided references for the job candidates.

¹³³ Information withheld on pp. 91, 93, 99, 108 but disclosed on pp. 78, 79, 80 of the records. Information withheld on pp. 559-566 but partly disclosed on p. 15 of the records.

¹³⁴ Pages 24 and 33 of the records.

¹³⁵ For example, pp. 13, 21, 33 and 27, 291-294 of the records.

¹³⁶ Page 188 of the records.

¹³⁷ There is also nothing in the responsive records or the parties' submissions to indicate that the person the City contacted for a reference check about the Applicant was someone that the Applicant had not authorized the City to contact as a reference.

[139] I found s. 22(4)(e) applies to some of this information because it is about City employees, members or officers and only reveals what those individuals said and did in the normal course of their work duties, including administering the job competition for the City, or their position and functions as a public body employee, officer or member. Under s. 22(4), the disclosure of this information is not an unreasonable invasion of third-party's personal privacy, and the City may not withhold that information under s. 22(1).

[140] As for the other information that qualifies as personal information under FIPPA, considering all the relevant circumstances, I find it would be an unreasonable invasion of a third party's personal privacy to disclose most of the information about the other job candidates, some information about the job applicants, and a small amount of information about a third party and about the physicians who did the medical exam for the two successful job candidates. I found the presumptions under ss. 22(3)(a), 22(3)(d) or 22(3)(g) applied to some of this information. I conclude there are no circumstances that would rebut those presumptions or that favoured disclosing this information to the Applicant, especially since I found the other job candidates supplied some of this information in confidence to the City in accordance with s. 22(2)(f) and it is not about the Applicant and the Applicant has no prior knowledge of this information.

[141] I also find it would be an unreasonable invasion of a third party's personal privacy to disclose some information in the reference check that the City obtained about the Applicant. I found the presumption under s. 22(3)(h)(ii) applied to some of the information in the reference check because the Applicant knows the identity of the individual who provided the reference and disclosing some of the information at issue would reveal a third party's confidential evaluation about the Applicant. I conclude there are no circumstances that would rebut the presumption under s. 22(3)(h)(ii) or that favoured disclosing this information to the Applicant, especially since I found some information was supplied in confidence in accordance with s. 22(2)(f).

[142] However, I find it would *not* be an unreasonable invasion of a third party's personal privacy to disclose the rest of the information withheld by the City under s. 22(1). I found some of this information was subject to the presumption under s. 22(3)(d) since it is related to the job candidates' or job applicants' employment history such as information that would reveal the fact those individuals applied for the position, participated in the job competition and whether they were chosen to move forward in the hiring process. I find, however, that the s. 22(3)(d) presumption is rebutted for some of this information because it has already been disclosed to the Applicant in the records or was already known to the Applicant because of their participation in the job competition or their personal knowledge of the fire department.

[143] I also find the Applicant already knows the name and phone number of the individual who provided a reference for the Applicant; therefore, it would not be an unreasonable invasion of a third party's personal privacy to disclose this information to the Applicant.

[144] The records at issue under s. 22(1) also include several emails between City employees or between City employees and the psychometric test administrator¹³⁸ and information redacted in an interview evaluation form about the Applicant.¹³⁹ I am satisfied that disclosing some of the information that the City withheld in these emails and in the interview evaluation form is desirable for the purpose of subjecting the City's activities regarding the job competition to public scrutiny in accordance with s. 22(2)(a) and, therefore, should not be withheld under s. 22(1).

[145] I also find it would not be an unreasonable invasion of a third party's personal privacy to disclose the information that the City redacted in the interview evaluation forms about the Applicant. Specifically, I am not persuaded that disclosing this information to the Applicant may *unfairly* damage the interviewers' reputation or another third party's reputation under s. 22(2)(h) or that this information was supplied in confidence under s. 22(2)(f). In the circumstances of this case, I conclude the interviewers who are public body employees should be expected to explain or defend any recorded comments that they made as part of the job competition process. Moreover, this information is about the Applicant, and the Applicant already knows some of the information that the City is withholding in the interview evaluations forms because the City disclosed that information in a copy of the records provided to the Applicant.

[146] Ultimately, I conclude there are no circumstances that favour withholding the rest of the information that the City withheld under s. 22(1) from the Applicant. As a result, I conclude it would not unreasonably invade a third party's personal privacy under s. 22(1) to disclose this information to the Applicant.

Summary of a record under s. 22(5)(a)

[147] Subject to certain conditions, s. 22(5) requires a public body to give an access applicant a summary of any personal information supplied in confidence about them by a third party. The parts of s. 22(5) that are relevant for this inquiry states:

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

¹³⁸ Emails found on pp. 559-566 and 569 of the records.

¹³⁹ Information on p. 109 of the records.

(a) the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information...

[148] Section 22(5) is only relevant when an adjudicator decides that a third party confidentially supplied information about an access applicant. In this case, I found the individual who provided the reference for the Applicant supplied information about the Applicant in confidence to the City. However, s. 22(5)(a) requires the public body to give the access applicant a summary of any personal information supplied in confidence about them only if the summary can be prepared without revealing the identity of the third party who supplied the personal information.

[149] As discussed above, I found the Applicant knows the identity of the third party because they would have provided this information to the City for the purpose of allowing the City to conduct a reference check. Therefore, I conclude it is not possible under s. 22(5)(a) for the City to provide the Applicant with a summary of the relevant information.

CONCLUSION

[150] For the reasons discussed above, I conclude the City is required to refuse access under s. 22(1) to only some of the redacted information at issue, and I make the following orders:

1. Under s. 58(2)(c) of FIPPA, and subject to item 2 below, I require the City to refuse access under s. 22(1) to some of the information redacted in the disputed records.
2. The City is not required, under s. 22(1), to refuse access to some of the information that the City withheld under s. 22(1). Therefore, under s. 58(2)(a) of FIPPA, I require the City to give the Applicant access to this information. I have highlighted in green, in a copy of the records that will be provided to the City with this order, the information that the City is not required to withhold under ss. 22(1) of FIPPA.
3. The City is not authorized to refuse the Applicant access to the information that it withheld under s. 13(1). Therefore, under s. 58(2)(a) of FIPPA, I require the City to give the Applicant access to all the information that it withheld on pages 127-186 and 284 of the records.
4. Under s. 58(4) of FIPPA, I require the City to provide the OIPC's registrar of inquiries with a copy of the records that it sends to the Applicant in compliance with items 1-3 above, along with any attached correspondence such as the accompanying cover letter.

[151] Under s. 59(1) of FIPPA, the City is required to comply with the orders that I have made above by **November 12, 2026**.

September 28, 2026

ORIGINAL SIGNED BY

Lisa Siew, Adjudicator

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