



Order P26-18

RESTORATIVE JUSTICE ASSOCIATION OF BRITISH COLUMBIA

D. Hans Hwang
Adjudicator

October 1, 2026

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Summary: An applicant requested information from Restorative Justice Association of British Columbia (Association) under the *Personal Information Protection Act* (PIPA). The Association requested a time extension to respond to the request and declined to provide some of the requested information. The applicant claims that the Association did not provide a response within the time frame required by PIPA. The Adjudicator found that the Association failed to meet its obligations under s. 29(1) (time limit for response) and ordered the Association to respond to the applicant's request within two weeks, in compliance with the requirements of ss. 28 (duty to assist individual) and 30(1) (content of response) of PIPA.

Statutes Considered: *Personal Information Protection Act*, [SBC 2003], c. 63, ss. 1, 28, 28(b), 29(1)(a), 29(1)(b), 30(1).

INTRODUCTION

[1] Under the *Personal Information Protection Act*¹ (PIPA) individuals have the right to access their personal information under the control of an organization.

[2] Section 29(1) provides that an organization must respond to a request for personal information not later than 30 days after receiving the applicant's request.

[3] In this case, an individual (applicant) requested his personal information from the Restorative Justice Association of British Columbia (Association).² The

¹ SBC 2003, c 6. From this point forward, whenever I refer to section numbers, I am referring to sections of PIPA unless otherwise specified.

² There was no dispute that the applicant is an "applicant" and the Association is an "organization" as those terms are defined in PIPA.

Association requested that the applicant allow a time extension to respond to the request and declined to provide some of the requested information. The applicant consented to the request.

[4] As the Association did not respond to the applicant's request by the extended date, the applicant requested that the Office of the Information and Privacy Commissioner (OIPC) review the Association's failure to respond to his request within the time frame required by PIPA.

ISSUES AND BURDEN OF PROOF

[5] The issues I must decide in this inquiry are

1. Did the Association comply with its duty to respond to the applicant's access request within the timelines in s. 29(1) of PIPA?
2. If the Association did not comply with its duty under s. 29(1), what is the appropriate remedy?

[6] PIPA does not expressly state who has the burden of proof in relation to s. 29(1). Previous OIPC orders have found that where PIPA does not specify who has the burden of proof, it is in each party's interest to provide information and evidence to support and justify its position.³

DISCUSSION

Background

[7] The applicant is a former employee of the Association. On October 6, 2025, the Applicant requested information about his employment generally and about a workplace investigation involving him.⁴

[8] On October 16, 2025, the Association responded to the applicant that it cannot disclose some of the requested information because the information relates to an ongoing investigation. The Association asked the applicant to allow a time-extension to process the remaining records at issue rendering the new deadline for response, December 31, 2025.⁵ The applicant consented to the request.

[9] The Association did not respond to the applicant's request by the extended date, and in June 2026 the applicant requested a review from the OIPC.

³ Order P21-03, 2021 BCIPC 11 at para 30; Order P23-10, 2023 BCIPC 86 at para 9.

⁴ Applicant's access request dated October 6, 2025.

⁵ Association's October 16, 2025 letter.

Time Limit for Response, s. 29

Section 29(1) imposes obligations on an organization to respond to information requests. This section reads:

- 29 (1) Subject to this section, an organization must respond to an applicant not later than
- (a) 30 days after receiving the applicant's request, or
 - (b) the end of an extended time period if the time period is extended under section 31.

[10] Sections 29(1)(a) and (b) provide that an organization must respond to an applicant within 30 days⁶ unless the conditions for an extension under s. 31 apply. Section 31 reads:

- 31 (1) An organization may extend the time for responding to a request under section 23 for up to an additional 30 days or, with the commissioner's permission, for a longer period if
- a) the applicant does not give enough detail to enable the organization to identify the personal information requested,
 - (b) a large amount of personal information is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the organization, or
 - (c) more time is needed to consult with another organization or public body before the organization is able to decide whether or not to give the applicant access to a requested document.
- (2) If the time is extended under subsection (1), the organization must tell the applicant
- (a) the reason for the extension,
 - (b) the time when a response from the organization can be expected, and
 - (c) the rights of the applicant to complain about the extension and request that an order be made under section 52(3)(b)

[11] Based on the parties' submissions, I find it undisputed that the time limit for responding to the applicant's request was extended under s. 31(1) and the Association's deadline to respond to the applicant's request was December 31, 2025.

[12] The applicant says that the Association failed to perform its duty to respond despite the extended deadline.⁷ The Association acknowledges that it did not respond to the applicant's request by the new deadline.⁸ There is no dispute that the Association failed to respond by the extended deadline. For this

⁶ The calculation of days is based on the definition of "day" in s. 1 of PIPA, which does not include a holiday or a Saturday.

⁷ Applicant's submission.

⁸ Association's submission at para 1, Part 3.

reason, I find the Association failed to comply with its duty to respond to the applicant's request in compliance with the time limit under s. 29(1).

What is the Appropriate Remedy?

[13] In cases where an organization has failed to perform its duty under s. 29, the usual remedy is to order the organization to respond to the request, in accordance with ss. 28 and 30 of PIPA, by a particular date.⁹

[14] To decide what is reasonable for a response, I first considered what is required of an organization when responding to a request from an applicant. Section 28(b) requires an organization to make a reasonable effort to respond to each applicant as accurately and completely as reasonably possible. The requirements of s. 28(b) are informed by s. 30(1). Section 30(1) reads:

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

- (a) the reasons for the refusal and the provision of this Act on which the refusal is based
- (b) the name, position title, business address and business telephone number of an officer or employee of the organization who can answer the applicant's questions about the refusal, and
- (c) that the applicant may ask for a review under section 47 within 30 days of being notified of the refusal.

[15] The Association says that its failure to respond to the request was unintentional. The Association says that its secretary who handled the request stepped down from the position in May 2026; then, correspondence from the OIPC to the Association regarding that matter was not monitored until the Association examined unmonitored emails in July 2026.¹⁰ The Association says it will undertake to provide a fulsome and substantive response to the request.¹¹

[16] The Association submits the appropriate remedy is an order directing it to provide the Applicant with a substantive response to his request within 30 days of the OIPC's order.¹²

[17] The Association does not explain why it requires a 30-day period from the issuance of this order to respond to the request. I cannot see why it would. The Association received this access request in early October 2025, and it does not deny that it has been aware of its duty to respond since that time. Further, it failed to respond by the new deadline of December 31, 2025, and the

⁹ For example, Order P24-02, 2024 BCIPC 06 at para 9.

¹⁰ Association's submission at paras 5-6, Part 1.

¹¹ Association's submission at para 2, Part 3.

¹² Association's submission at page 4.

Association's secretary who was responsible for handling access requests did not leave for another five months after that, in May 2026. While I accept that there was a period of time in which the secretary's emails were not being monitored, the Association replied to the OIPC investigator in July 2026, so it has had many more weeks since then to respond to the access request.

[18] Therefore, I am not persuaded the Association requires a further 30 days to respond to the request in compliance with ss. 28 and 30.

[19] Given these circumstances, I find that the appropriate remedy in this case is to require the Association to respond to the applicant's request, in compliance with ss. 28 and 30, within two weeks of the date of this order.

CONCLUSION

[20] For the reasons given above, I make the following order under ss. 52(3), 52(4) and 53(1) of PIPA.

1. I require the Association to respond to the applicant's request by October 15, 2026. In doing so, the Association must comply with ss. 28 and 30 of PIPA.
2. I require the Association to copy the OIPC registrar of inquiries on its cover letter to the applicant together with a copy of the response described at item 1.

October 1, 2026

ORIGINAL SIGNED BY

D. Hans Hwang, Adjudicator

OIPC File No.: P26-01907