

<b>ADMINISTRATIVE POLICIES AND PROCEDURES</b>	
<b>Office of the Information and Privacy Commissioner</b>	
<b>Subject:</b> OIPC Unreasonable Behaviour Policy	<b>Date Originally Issued:</b> May 3, 2022
<b>Policy Number:</b> 1.5	<b>Last Revision:</b> May 15, 2024
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## Policy Statement

The Office of the Information and Privacy Commissioner (OIPC) is committed to providing exemplary service by addressing privacy and access issues in a timely and efficient manner, and promoting respectful communication between the OIPC and members of the public.

The OIPC recognizes that many individuals participating in OIPC proceedings are facing difficult circumstances and that may cause strong emotions. However, all participants are expected to behave and communicate respectfully and in compliance with the OIPC's directions. The ability of OIPC staff to provide timely and fair access to OIPC services depends on reasonable conduct by all participants.

The OIPC has the discretion to control its own procedures subject to any restrictions imposed by FIPPA and the rules of procedural fairness and natural justice. In instances where unreasonable behaviour negatively impacts the OIPC's ability to deliver timely and fair service, or the safety and well being of staff and other participants, the OIPC may place restrictions on an individual's access to its services.

## Purpose

The purpose of this policy is to ensure that communication with the OIPC and other participants in OIPC proceedings are courteous and respectful, and that members of the public work cooperatively to efficiently address the issues brought to the OIPC.

This policy contributes to the OIPC's objectives of ensuring that the public can access OIPC services in a timely and fair manner while supporting the well being and safety of OIPC staff and participants in OIPC proceedings.

## Behaviours that may be considered unreasonable include:

- Excessive demands on the time and resources of OIPC staff including:
  - lengthy and/or frequent phone calls,
  - voluminous and/or frequent correspondence,
  - repeated contacts or inquiries on matters that have previously been responded to conclusively, and/or
  - demanding immediate attention;

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- Refusing to follow the OIPC’s directions, answer relevant questions or provide information necessary to analyze or respond to the complaint or inquiry;
- Engaging in any form of aggressive, disrespectful or intimidating behaviour including:
  - the use of abusive, derogatory, discriminatory or threatening language,
  - name calling and personal insults, or
  - an unreasonable fixation on an individual or staff member;
- Unfounded allegations that another party, their representative, or an OIPC staff member is acting in an improper manner;
- Shouting, interrupting or incessant speech that prevent staff from carrying out their duties effectively;
- Covertly recording meetings and conversations with staff;
- Loitering, causing a disturbance or acting under the influence of drugs and alcohol while attending OIPC premises.

## Application

When determining whether an individual’s behaviour is unreasonable, the OIPC will consider all relevant circumstances. The goal is to provide all participants with fair and reasonable access to the OIPC’s services, so any restrictions imposed will be only what is necessary to prevent or mitigate the effects of the unreasonable behaviour.

Before imposing any restrictions, the OIPC will give the individual a written warning that identifies the unreasonable behaviour and explains the consequences if unreasonable behaviour continues.

## Restrictions that may be imposed include:

- Limiting the individual’s communication with OIPC staff to a particular format, time, duration, frequency or volume;
- Requiring any face-to-face interactions between the individual and OIPC staff to take place in the presence of another OIPC staff member;
- Requiring the individual to communicate with the OIPC only through a particular OIPC staff member;

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- Limiting or regulating the individual's use of OIPC services;
- Refusing the individual access to OIPC premises except by appointment or specific permission;
- Informing the individual that further contact on a particular matter will not be acknowledged or replied to;
- Declining or discontinuing the complaint and/or review.