



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
— for —
British Columbia

Order F06-17

PROVINCIAL HEALTH SERVICES AUTHORITY

Celia Francis, Adjudicator
August 24, 2006

Quicklaw Cite: [2006] B.C.I.P.C.D. No. 25
Document URL: <http://www.oipc.bc.ca/orders/OrderF06-17.pdf>
Office URL: <http://www.oipc.bc.ca>
ISSN 1198-6182

Summary: PHSA complied with its duty under s. 22(5) to prepare a summary of the applicant's personal information.

Key Words: Supplied in confidence—personal information—summary.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, s. 22(5).

Authorities Considered: **B.C.:** Order F05-11, [2005] B.C.I.P.C.D. No. 12; Order 01-53, [2001] B.C.I.P.C.D. No. 54; Order 02-21, [2002] B.C.I.P.C.D. No. 21.

1.0 INTRODUCTION

[1] This decision flows from Order F05-11,¹ in which, among other things, I ordered the Provincial Health Services Authority (“PHSA”) to perform its duty under s. 22(5) of the *Freedom of Information and Protection of Privacy Act* (“FIPPA”) to provide the applicant with a summary of his personal information in four pages of records. The PHSA provided the applicant with the summary as part of the letter in which it notified the applicant of its compliance with the other aspects of the order.

[2] The applicant complained to this office about the summary and, as mediation did not resolve the matter, the two parties agreed to submit the summary to me for a decision as to whether it met the requirements of s. 22(5).

¹ [2005] B.C.I.P.C.D. No. 12.

With the parties' agreement, a modified written inquiry then took place under Part 5 of the Act in which the parties were invited to make submissions if they chose. The applicant made a one-page submission, while the PHSA made no submission.

2.0 ISSUE

[3] The issue before me in this case is whether the PHSA complied with its duty under s. 22(5) to provide the applicant with a summary of his personal information in four pages of records.

3.0 DISCUSSION

[4] **3.1 Application of Section 22(5)**—Numerous previous orders have considered the application and interpretation of s. 22, including s. 22(5).² I have applied here, without repeating them, the principles from those orders. Section 22(5) reads as follows:

22(5) 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 the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information.

[5] **3.2 The Records in Dispute**—I had the following to say in Order F05-11 about the four pages in question:

[32] Four fully withheld pages (pp. 126-127 and 129-130) contain both personal information of the applicant that was provided in confidence and personal information of other individuals that falls under s. 22(3)(d) and that was provided in confidence under s. 22(2)(f). The personal information of these individuals is intertwined with the applicant's in such a way that it is not possible to sever the pages and disclose the applicant's personal information to him without unreasonably invading third-party privacy.

[33] The PHSA did not address the applicability of s. 22(5) in its submissions. However, I consider it possible in this case for the PHSA to give the applicant a summary of his personal information in pp. 126-127 and 129-130, as required by s. 22(5). I make the appropriate order below.

[6] Pages 126-127 are a report by a number of staff members at the applicant's workplace (Children's and Women's Health Centre, "CWHC") in

² See, for example, Order 01-53, [2001] B.C.I.P.C.D. No. 54, for a discussion of the application of s. 22 and Order 02-21, [2001] B.C.I.P.C.D. No. 21, for a discussion of the principles for preparing a summary under s. 22(5).

which they set out problems they had experienced with the applicant's conduct. It is a printed form which an unidentified person has filled out by hand. The typed response to that report is on pp. 129-130. As noted above, both sets of records contain personal information about the applicant and about other individuals. The PHSA's summary of pp. 126-127 is one paragraph long while its summary of pp. 129-130 is about 2/3 page.

[7] **3.3 Discussion**—The applicant said that, “rather than provide the pages directly, the PHSA has chosen to provide summaries”. He said the records clearly contain complaints about him and argued that he could have received the pages in severed form, with the personal information of others removed. He said that

... the summaries do not provide the specifics of the particular criticisms or the complainant. Such detail strikes to the relevance of the criticism and also strikes to the heart of any defence. As it stands, the summaries from the PHSA make generalized statements; the devil is in the detail.

[8] He argued that the disclosure rights under the CWHC's Human Rights policy carry through to this arena and that he should also receive the names of the complainants.

[9] The issue here is whether the PHSA complied with its duty under s. 22(5) in preparing the summaries, as I ordered it to do, not whether the PHSA should have severed the records. I have already found that it was not reasonable to sever the records without unreasonably invading third-party privacy. I found, however, that it was possible for the PHSA to provide a summary under s. 22(5). Moreover, s. 22(5) specifically states that a summary prepared under that section must not to reveal the identity of a third party who provided personal information about the applicant in confidence. In keeping with s. 22(5), the summaries at hand do not reveal any identifying personal information of the complainants nor, properly, do they disclose any other personal information of the third parties.

[10] I reject the applicant's contention that the summaries do not reveal the complaints against him. Both summaries accurately describe the complaints as drawn from the original records and reveal that they came from CWHC staff members. The summary of the response also sets out the steps PHSA took in dealing with the complaints as far as the applicant is concerned.

[11] I have no hesitation in finding that the PHSA has complied with its duty under s. 22(5) to provide the applicant with his personal information in these four pages, while also protecting the identifying information of the third parties who provided that information in confidence.

4.0 CONCLUSION

[12] For the reasons given above, under s. 58 of the Act, I confirm that the PHSA has performed its duty under s. 22(5) of FIPPA in providing the applicant with a summary of his personal information in pp. 126-127 and 129-130.

August 24, 2006

ORIGINAL SIGNED BY

Celia Francis
Adjudicator

OIPC File No.: F05-25534