ALBERTA
INFORMATION AND PRIVACY COMMISSIONER

Request for Authorization to Disregard an Access Request
under section 55(1) of the
Freedom of Information and Protection of Privacy Act

Alberta Health Services
(OIPC File Reference 005978)

July 4, 2018

[1] Alberta Health Services (the "Public Body") requested authorization under section 55(1) of the *Freedom of Information and Protection of Privacy Act* ("FOIP") to disregard an access request made by an individual (the "Applicant"). It also requested authorization to disregard future requests from the Applicant regarding topics similar to his previous access requests.

Commissioner's Authority

[2] Section 55(1) of the FOIP Act gives me the power to authorize a public body to disregard certain requests. Section 55(1) reads:

> *55(1) If the head of a public body asks, the Commissioner may authorize the public body to disregard one or more requests under section 7(1) or 36(1) if*
>
> *(a) because of their repetitious or systematic nature, the requests would unreasonably interfere with the operations of the public body or amount to an abuse of the right to make those requests, or*
>
> *(b) one or more of the requests are frivolous or vexatious.*

[3] A decision under section 55 is a discretionary "may" decision. A public body making a request under section 55 has the burden to establish that the conditions of either section 55(1)(a) or (b) have been met. If a public body meets its burden, then I will decide whether to exercise my discretion to authorize the public body to disregard the request at issue.

Background

[4] On June 5, 2017 the Public Body received an access request (2017-P-131) from the Applicant under FOIP, as follows:

> I am requesting personal information and related materials held by AHS. This is to include emails to or from the people listed making reference to me or my case and records created by AHS outside of e-mails. The list of staff include: [27 individuals]
>
> The time period to be covered is March 1st 2017 to June 1st 2017.

[5] In a letter dated July 5, 2017, the Public Body applied to me under section 55(1) of FOIP for authorization to disregard the Applicant's access request 2017-P-131. The Applicant then provided comments, the last of which was received by my office on October 30, 2017.

[6] The Public Body provided the following background information:

> The Applicant's employment with the Public Body ended [in January, 2016] when the Applicant resigned from his position […] within AHS when the Applicant was advised that his probationary period with AHS was to be extended. Prior to this particular request, the Public Body has received and processed, in good faith, three (3) access requests under the *Act* from the Applicant dating back to October 2016, a full ten (10) months after the Applicant's resignation.
> […]
> The Public Body wishes to note that all three (3) of the previous access requests received from the Applicant are the subject of a review by the Office of the Information and Privacy Commissioner. Furthermore, the Public Body wishes to advise that [in November, 2016], AHS received a Notice of Investigation from the Public Interest Commissioner of Alberta advising that the Applicant filed a complaint with the Public Interest Commissioner relating to this matter. This investigation is now closed with the Public Interest Commissioner issuing a finding that the Applicant's concerns were unsupported and no finding of wrongdoing on the part of AHS. A copy of the letter received from the Office of the Public Interest Commissioner is also enclosed for your reference. The report can be found on the Public Interest Commissioner's website as Case PIC-16-03861

[7] The Applicant's previous access requests to the Public Body have been quoted in the table below:

File #	Subject of Request	Date Range
AHS File: 2016-P-235 OIPC File: 004950	I am requesting my personal information and related materials held by AHS. This is to include my employment file, e-mails between AHS staff making reference to me, records created by [staff of a department within the public body] outside of my personal file that relate to me. I can narrow down the email search to about 10 people. I would also like to know who has accessed both my employment information as well as my health information. Looking for all information relating to me created by or my case and records created by [staff of a department within the public body] as well as HR.	Oct 1, 2015 – Oct 10, 2016
AHS File: 2017-G-050 OIPC File: 005486	Financial and management documents, related to [a department within the public body]. All matters relating to budgeting, reporting, financial management and project control regarding costs and approvals, including project approvals. This is to include all e-mail from or to the following people regarding ANY financial, cost recording and reporting information or	June, 2014 – July, 2016

	comments. [Names of 7 individuals redacted]	
AHS File: 2017-P-051 OIPC File: 005732	I am requesting personal information and related materials held by AHS. This is to include e-mails to or from the people listed making reference to me and records created by AHS outside of emails. The list of AHS staff include [names of 24 individuals redacted].	Oct 1, 2016 – Mar 1, 2017
AHS File: 2017-P-131 **OIPC File: 005978**	**Current Request** I am requesting personal information and related materials held by AHS. This is to include emails or from the people listed making reference to me or my case and records created by AHS outside of emails. This list of staff include: [names of 27 individuals redacted].	Mar 1, 2017 – June 1, 2017

[8] The Public Body's specific arguments are dealt with in more detail in my analysis of section 55 below.

[9] The Applicant disagrees with the Public Body's framing of the facts and explained, "For perspective, the requests I have made relate to concerns around financial dealings and retaliation from local AHS management, and then also morphed further to include a failure of the whistleblower Program". The Applicant stated, in part:

> I assure you that in no way do I consider the request to be either vexatious or frivolous. I can understand some frustration as this matter has been going on for a long time, however many of these delays relate DIRECTLY to AHS actions and their delays. In any case, that frustration does not make my request vexatious.
> […]
> - From February of 2016 moving forward I thought AHS was making best efforts to investigate my complaint. I was moved from one department to the next and from one person to another in the same department, each time having to start the process over. I was naïve, it took me many months before I would accept that there was not any real investigation just delay tactics. When I expressed my frustrations to other agencies, they are the ones to suggest making a FOIP request… I knew nothing about the department or process… That is why it was months after my forced resignation that I prepared and sent in a request after wasting over 6 months waiting on AHS.
>
> […]
> - The information contained in the package was very informative and helpful, in spite of the redactions. The information (and false statement made) drove new questions and also provided new information as to how the investigation was handled.
> - By the time the review was complete, new players identified, and the fact that process was still supposed to be underway, I filed follow on requests that were very similar but with a current timeframe. There were never duplications or overlap. Names were dropped and added based on what was supposed to be happening

regarding the whistleblower complaint and how that was being handled. The names that were included (and the number) were a shock to me. I had had no idea how many different people had been involved in the matter. It seems extreme that so many people would be involved. The names were not simply put on the list because they were cc'ed on a note. From reviewing the documents the list of names was built based on context. I think I may know to who he refers to as 'simply copied on a note'. If I am correct that person was not simply copied on a note. They were active in the planning and discussions about how they could go about withholding (redacting) information. There was significant effort in this area.

- [An employee of the Public Body] paints the matter of my complaint (all aspects) complete and wrapped up. That is not the case. My request for the information March 1, 2017 to June 1, 2017 is as valid as the day I made it and just or more important.
  […]
- Of course the three [personal information access requests] read very similar, I used cut and paste to build the second two. What [an employee of the Public Body] is leaving out is that they were all for different timeframes. There was no overlap. These requests were intended to have me learn how the complaint was handled and the facts. That information was still being created almost daily. The matter was not dead, it was ongoing, and I have a right to know the details and what 'facts' they were using. It was not general, it was tailored. The fact is applicable material is still being generated.
  […]
- The people listed on the request were there for a reason. Many of the names came from reviewing the information I received from the first request. Many of these names were new to me and I had no idea I was a topic of discussion with them. What [an employee of the Public Body] is not acknowledging is that the requests are not just about what happened in January of 2016, but what took place afterward has become far more important. Contrary to what they have written I believe my requests are perfectly valid. This is not abuse, other than I feel I have been abused through the entire process for the last two years.

[…]

I have never made a FOIP request prior to the original one made to AHS and I don't see me making any more for other groups anytime soon.

Application of 55(1)(a) of FOIP

Section 55(1)(a) – Repetitious or Systematic in Nature

[10] "Repetitious" is when a request for the same records or information is submitted more than once and "systematic in nature" includes a pattern of conduct that is regular or deliberate.

[11] The Public Body pointed out the consistent wording of the Applicant's current access request to his previous requests i.e. 'I am requesting my personal information and related materials held by AHS….' It stated that the Applicant's first access request (2016-P-235) identified 9 individuals. His second access request (2017-P-051) identified 24 individuals, 6 of whom were also identified in the first request, and the current request includes all 24 individuals from the

second request and 3 new individuals, including the Information Access Coordinator who processed the Applicant's previous requests. The Public Body stated:

> The applicant has repeatedly requested his personal information from the same individuals over and over again. The Public Body asserts that the Applicant's three (3) access requests for personal information, over a period of seven (7) months are systemic in nature, as they are part of a pattern of conduct that is regular or deliberate on the part of the Applicant. This is supported by the fact that all the requests relate to the employee-employer relationship between the Applicant and the Public Body; namely the Applicant's employment file and information held about him by supervisors/managers following the end of the employment relationship as a result of the Applicant's resignation […].

[12] The Applicant confirmed that he copied and pasted the wording of his request, but points out that the time frames differ and that the specified individuals have increased based on the results of his previous access requests.

[13] The Applicant's two previous personal information requests to the Public Body are very similar to the current request, the main difference being the date range. There is one day of overlap between the current request at issue and the Applicant's previous request (2017-P-051), that being March 1, 2017.

[14] I find that the Applicant's personal information access request is both repetitious (in that he has twice requested records for March 1, 2017) and systematic (in that the requests are similar other than the consecutive time periods).

Section 55(1)(a)– Unreasonably Interfere with the Operations of the Public Body

[15] Under section 55(1)(a), the requests must also unreasonably interfere with the operations of the Public Body or amount to an abuse of the right to make those requests. The Public Body has not argued that the request will unreasonably interfere with its operations; therefore, there is is no need for me to consider this provision.

Section 55(1)(a)– Amount to an Abuse of the Right to Make Those Requests

[16] An "abuse" under section 55(1)(a) has been previously defined as misuse or improper use. In that case, the former Commissioner found that an applicant was not using the FOIP Act for the purpose for which it was intended, but as a weapon to harass and grind a public body. He found that the applicant's requests were part of a long-standing history and pattern of behavior designed to harass, obstruct, or wear the public body down, which amounted to an abuse of the right to make those requests.[1]

[17] The Public Body outlined the facts relating to the Applicant's previous access requests, and investigations of various complaints made by the Applicant about the Public Body. It states:

[1] *Request for Authorization to Disregard Access Requests*, Grant MacEwan College, IPC File Reference: #F3885 (March 13, 2007), available online at www.oipc.ab.ca

The Public Body submits that, from an objective viewpoint, the Applicant's request lacks merit, and therefore, necessarily, amounts to an abuse of the right to make a request.
[…]
In determining whether the request amounts to an abuse of the right to make those requests, AHS does not necessarily believe the Applicant has an ulterior improper motive for making the access request. However, the Public Body asserts that, simply stated, the Applicant's complaints related to these issues have run their course, and requesting additional records from twenty-seven (27) Public Body employees eighteen (18) months after the end of the employee-employer relationship, and after multiple investigations, each of which found the Applicant's concerns to be unfounded, is of no value and serves no purpose. As noted above, some of the additional employees' involvement with the Applicant's matters of interest have occurred solely since his resignation. By submitting this new request, the Public Body maintains that the Applicant is not using the FOIP Act for the purpose for which it was intended. In this context, the Public Body deems the June 2, 2017 access request amounts to an abuse.
[…]
The Public Body asserts that, from an objective viewpoint, the Applicant's request lacks merit, and therefore, necessarily, amounts to an abuse of the right to make a request.

The facts support such a conclusion as demonstrated by the following:

- The employee-employer relationship ended in January 2016 upon the Applicant's resignation.
- The Applicant requested and received a complete copy of his entire employment file. (Request 2016-P-235)
- The Applicant requested and received a complete coy of all records related to the Applicant's complaints and his resignation. (Request 2016-P-235)
- Two internal investigations were held by the Public Body's Human Resources department into the Applicant's complaints related to his departure from AHS. The investigations concluded the Applicant's complaints were unfounded and the results of the investigations were shared with the Applicant. The investigations are now closed.
- The Applicant requested and received a complete copy of all records making reference to the Applicant from a narrow group of (9) Public Body employees with which the Applicant worked most closely, including records dated seven (7) months after his resignation. (Request 2016-P-235)
- The Applicant requested and received a complete copy of all records related to the Applicant's complaints related to alleged issues pertaining to [a department within the Public Body]. (Request 2017-G-050)
- The Applicant requested and received a complete copy of all records making reference to the Applicant from a broad group of (24) Public Body employees, many of whom were not directly involved in the complaints but merely copied as senior leaders not even remotely involved with the Applicant's complaints, a full fourteen (14) months after his resignation. (Request 2017-P-051)
- An internal investigation was conducted by the Public Body's Internal Audit department related to alleged issues pertaining to [a department within the Public

Body]. The investigation concluded the Applicant's complaints were unfounded and the results of the investigation were shared with the Applicant. The investigation is now closed.

- An external investigation was conducted by the Public Interest Commissioner related to the Applicant's complaints related to alleged issues pertaining to [a department within the Public Body]. The investigation concluded the Applicant's complaints were unfounded and the results of the investigation were shared with the Applicant. The investigation is now closed. (PIC-16-03861)

[18] Although the Public Body is of the opinion the Applicant has exhausted his rights in relation to his concerns with the Public Body, the Applicant disagrees. The Applicant's submissions demonstrate that he is of the opinion that his concerns are valid.

[19] The Court of Queen's Bench of Alberta, in quashing a previous section 55 decision where the former Commissioner had authorized a public body to disregard a request, explained that it is not the number of access requests which is determinative, but the nature of the requests which is important. If requests are not the same, then the fact that there are numerous requests made regularly cannot run afoul of section 55 in the absence of compelling evidence of ulterior improper motive. The Court further stated that a person defending what amounted to a summary dismissal application under section 55 need do no more than show merit. In other words, that person did not have a burden to show that the request was for a legitimate purpose.[2]

[20] The Applicant's history of raising concerns resulting in both internal investigations and an external investigation by the Public Interest Commissioner support his statement that he has concerns about the Public Body.

[21] In this case, other than the dates of the requests, the Applicant's personal information requests to the Public Body are virtually identical. I note there may be a pattern of escalation in his requests regarding named individuals. His first personal information access request (2016-P-235) named 10 individuals, the second personal information request (2017-P-051) named 24 individuals, and the current request (2017-P-131) names 27 individuals. Escalation has been noted as one of the indicia of vexatious litigation by the courts.[3] However, I also note the Applicant has explained his purpose in requesting information and in selecting certain individuals, stating in part:

> [T]he people on the request were valid. The request is not just about what happened but more important how it was handled. The people listed were not 'simply copied' on the discussions. It appeared they were involved in how the case was handled and as important what different people were told. If they were 'not remotely' involved they would not have been included in the communications. The fact that is [sic] was a 'full fourteen (14) months was caused by the behavior of AHS in the matter… Don't blame me. There were much

[2] This oral decision of Clackson J. in Court File No. 1103-05598 was summarized in my office's 2011-2012 Annual Report. See also *Request for Authorization to Disregard an Access Request*, Service Alberta, OIPC File No. F8116 (August 27, 2014) at paragraphs 16 and 17, available online at www.oipc.ab.ca

[3] *Chutskoff v. Bonora*, 2014 ABQB 389 at paragraph 92

better ways I could have spent 2 years of my life. I have been trying to resolve matters since late 2015. AHS has the material that shows this.

[22] Although I have noted what may be described as a pattern of escalation, the Applicant has provided an explanation as to why he has selected an increasing number of individuals within a department of the Public Body. At this time, on the evidence before me, I am not satisfied on a balance of probabilities that the escalation amounts to an abuse of the right to make requests.

[23] There is an overlap of one day, that being March 1, 2017 from the Applicant's second personal information access request (2017-P-051) to the current one. This one day of overlap may be a simple oversight on the Applicant's part. Under the Act, I find that the one day of overlap is an abuse because the Applicant has requested and received these records already; however, I am not satisfied on a balance of probabilities that the entirety of the Applicant's request (2017-P-131) is an abuse of the right to make requests.

Section 55(1)(b)– Frivolous or Vexatious

[24] The Public Body takes the position that the Applicant's request is frivolous and vexatious. It argues the request is frivolous based on the following:

- The employee-employer relationship ended in January 2016; nearly 18 months before the current access request;
- The Applicant's requests were submitted by the Applicant subsequent to his resignation, the first of which was nine months after his resignation;
- The investigation associated with that resignation has concluded;
- All records pertaining to the employee-employer relationship have been disclosed to the Applicant; and
- All records pertaining to the investigations related to the Applicant's complaints have been disclosed to the Applicant.

[25] The Public Body further states the Applicant's pattern of requests suggest vexatious behaviour because:

> Each of the Applicant's personal requests continues to impact a growing number of Public Body employees that he feels have records relevant to his interests. For those individuals listed in his original request of 2016-P-235, they have now been required to respond to three (3) requests for the very same or similar information. Even with the updated timelines, this pattern, along with the numerous internal and external investigations instigated by the Applicant suggests that the Applicant's requests are designed to harass this Public Body and to grind the [department within the Public Body's] work within the Public Body to a standstill.

[26] The Applicant states:

> So, obviously, I do not consider these matters frivolous. It is just the opposite. This is a very important matter to me and I have dedicated countless hours over the last two years. AHS methods for handling the overall complaint have made things much more difficult than I think they needed to be. Not fair that they complain about self-inflicted wounds.
> […]
> I believe I have already covered the subject of how my requests are not vexatious by their nature. Each had a tailored list of names and was for very specific time periods. Also their statement about bringing [a department within the Public Body] to a standstill, that is simply not true. After the first request, very little work would be required of [public body] staff. The matter was out of their hands. I was simply collecting information as to how my complaint was being handled. Of course I can see how someone at AHS might want to frame it as vexatious, as it has become clear that the great desire of many is that I just go away, and because I won't simply go away with all these outstanding items, they deem as vexatious. Another would call it tenacious.

[27] Numerous previous decisions from this office have referred to the definitions of "frivolous" and "vexatious" established in the Ontario Information and Privacy Commissioner's 1995 Order M-618. However, the factual scenario from that case is also worth reviewing. Ontario Order M-618 reviewed the actions of one individual who was found to be abusing that province's freedom of information regime. At the time of the 1995 oral inquiry, the individual at issue had 14 active matters before the Ontario Commissioner's office and 563 "banked appeals" (which were matters in abeyance because the Ontario Commissioner limited the number of active matters an individual could have before the office). The Ontario Commissioner was unaware of the total number of matters the individual had before other public bodies in the province, but it was undoubtedly higher.

[28] The submissions from an intervenor in that case, who was found to be associated with and working in concert with the individual at issue in Ontario Order M-618, stated:

> I think it appropriate to confirm police claims that I harass them. It makes me happy to watch them suffer, especially during difficult economic times.
> […]
> My interest in freedom of information legislation has a singular intent. I have made it very clear to the Commission and any other party that my purpose is the creation of an administrative burden for the Commission and related government agencies. Because of this, I rarely pay attention to the appeal knowing that my participation, or lack of it, will have little influence on the economic factors associated with the appeal process. Therefore my time is better spent devising new methods to cause harm to government.

[29] In his discussion of "frivolous" and "vexatious", the Ontario Commissioner stated:

> At the outset, I am not convinced of the value of the Commissioner's office and institutions engaging in the time-consuming and highly subjective exercise of examining the merit or worth of individual requests for information as a pre-condition to putting an institution to its duty to respond. I refer to The Report of the Commission on

Freedom of Information and Individual [Privacy] (1980) "Public Government for Private People", which forms the basis of Ontario's freedom of information legislation:

> We think it unwise to restrict access to persons who can demonstrate a need for the information in question. We accept as a basic premise underlying freedom of information laws the proposition that members of the public should be entitled to have access to government information simply for the purpose of scrutinizing the conduct of public affairs. To require individuals to demonstrate a need for information would erect a barrier to access resulting in unproductive disputes over the nature and value of a particular individual's interest in obtaining access to government information.

In my view, the concepts of "frivolous" or "vexatious" do not sit comfortably with a freedom of information regime which grants an open-ended or unqualified right of access to public information of which government institutions are only the stewards.

"Frivolous" is typically associated with matters that are trivial or without merit. Information that may be trivial from one person's perspective, however, may be of importance from another's. In this regard, I recall the example offered by an institution intervenor of a request to a fire department for the fire fighter's shoe sizes over a certain period of time. Seemingly trival or without merit, but important to the shoe manufacturer who wishes to create an inventory of fire fighter's shoes to market to fire departments.

"Vexatious" is usually taken to mean with intent to annoy, harass, embarrass, or cause discomfort. Government officials may often find individual requests for information bothersome or vexing in some fashion or another. This is not surprising given that freedom of information legislation is often used as a vehicle for subjecting institutions to public scrutiny. To deny a request because there is an element of vexation attendant upon it would mean that freedom of information could be frustrated by an institution's subjective view of the annoyance quotient of a particular request. This, I believe, was clearly not the Legislature's intent. [Emphasis added]

[30] At the time of Ontario Order M-618, the Ontario freedom of information legislation did not allow the Commissioner to consider whether a request was frivolous or vexatious, but section 55(1) of FOIP clearly empowers me to do so. As such, I am permitted to examine the merit of an applicant's request when an application is made to me under section 55(1)(b). However, in doing so, I must consider that the Courts have deemed access rights to be "quasi-constitutional", and I am mindful of the purposes of FOIP set out in section 2 which include:

> *2 The purposes of this Act are:*
> *(a) to allow any person a right of access to the records in the custody or under the control of a public body subject to limited and specific exceptions as set out in this Act,*
> *[…]*
> *(b) to allow individuals, subject to specific and limited exceptions as set out in this Act, a right of access to personal information about themselves that is held by a public body,*

I am further mindful of the information rights of the FOIP Act including section 6(1), which states:

6(1) An applicant has a right of access to any record in the custody or under the control of a public body, including a record containing personal information about the applicant.

[31] It is clear the Public Body finds the Applicant's access requests to be bothersome, vexing, and annoying, particularly so because a number of investigations have not found any wrongdoing on the Public Body's part. For example, I note the Public Interest Commissioner's conclusion in the Report for Case: #PIC-16-03861 stated, "This issue stems from an unresolved difference of opinion between the complainant and their management with respect to departmental project management practices that are subordinate to AHS policies. The evidence does not support the alleged measures taken against the complainant were a reprisal resulting from their declining to participate in an alleged wrongdoing."

[32] I am not convinced however, that the Public Body's subjective view of the merits of the Applicant's access request is a sufficient basis on which to grant it authorization to disregard a request under section 55(1).

[33] The Applicant has explained his reasons for requesting his personal information as relating to his "concerns around financial dealings and retaliation from local AHS management, and then also morphed further to include a failure of the whistleblower program." His stated reasons generally support a means by which he is subjecting the Public Body to public scrutiny. In reviewing the Applicant's history of access requests to the Public Body, I note that one request (2017-G-050) involved "financial and management documents" whereas the other three, including the one at issue before me, are for the Applicant's personal information. Although it is not clear to me, on the face of the Applicant's request, how his request for personal information 18 months after the employment relationship ended relates to his stated concerns around financial dealings, retaliation and the whistleblower program, I am satisfied that the information sought is a matter of importance to the Applicant. I do not find that his request is frivolous.

[34] I also accept the Applicant's submission that although he is tenaciously pursuing his access rights, his intent is not to be vexatious, but rather is to access his personal information.

Commissioner's Decision

[35] I find the Public Body has met its burden under section 55(1)(a) with respect to the one day of overlap (March 1, 2017) in the Applicant's access request, that is, that it is an abuse of the right to make requests, where the Applicant has already been provided access to his same personal information by the Public Body. I find the Public Body has not met its burden under s. 55(1) regarding the remainder of the Applicant's access request.

[36] After careful consideration of the relevant circumstances in this matter, I have decided to authorize the Public Body to disregard the Applicant's access request 2017-P-131 in part. The Public Body is not required to respond to the Applicant's access request where it would

duplicate records that have already been provided to him. The Public Body must proceed with processing the Applicant's access request 2017-P-131 with respect to the dates March 2, 2017 to June 1, 2017 in accordance with FOIP. It must also process the access request for March 1, 2017 as it relates to the three new individuals named in 2017-P-131 in accordance with FOIP.

Application of Section 55(1) to Future Requests

[37] The Public Body also requested authorization to disregard future personal requests from the Applicant regarding the following topics:

- His employment with the Public Body;
- Financial and management documents related to a department within the Public Body; and
- The processing of the Applicant's past and current active access requests.

[38] The Public Body further requested that I grant authorization for it to disregard any new requests from the Applicant to access information for a period of 12 months from the date I render my decision. After that 12 month period, it requests that I limit the Applicant to one request for information per calendar year for a period of 5 years.

[39] Other than making the request to disregard future requests, the Public Body did not make further submissions on this part of its request. In light of my decision that the Public Body must process 2017-P-131 in part, I decline to make a decision regarding future access requests from the Applicant at this time. This decision does not preclude the Public Body from applying under section 55(1) in the future if the Applicant makes requests that the Public Body believes meet the criteria of section 55(1) of FOIP.

Jill Clayton
Information and Privacy Commissioner