

IN THE SUPREME COURT OF BRITISH COLUMBIA

**IN THE MATTER OF THE DECISION OF THE OFFICE OF INFORMATION
AND PRIVACY COMMISSIONER DATED MARCH 20, 2026,
IN OIPC FILE INV-P-26-00003, AND IN THE MATTER OF THE
JUDICIAL REVIEW PROCEDURE ACT, R.S.B.C. 1996, c. 241**

BETWEEN:

MARTIN GIRARD

PETITIONER

AND:

THE CORPORATION OF THE CITY OF VICTORIA and
THE INFORMATION AND PRIVACY COMMISSIONER OF BRITISH COLUMBIA

RESPONDENTS

RESPONSE TO PETITION

Filed by: The Information and Privacy Commissioner of British Columbia (the “**petition respondent**” or “**OIPC**”)

THIS IS A RESPONSE TO the petition filed 24 Jun 2026.

The petition respondent estimates that the application will take 1.5 days.

Part 1: ORDERS CONSENTED TO

The petition respondent consents to the granting of the orders set out in the following paragraphs of Part 1 of the petition on the following terms: NONE.

Part 2: ORDERS OPPOSED

The petition respondent opposes the granting of the orders set out in the following paragraphs of Part 1 of the petition: NONE.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The petition respondent takes no position on the granting of the order set out in paragraph 1 of Part 1 of the petition. The OIPC seeks no costs and asks that no costs be awarded against it.

Part 4: FACTUAL BASIS

A. Overview

1. The Information and Privacy Commissioner for British Columbia (the “**Commissioner**”) is a statutory body that provides independent oversight and enforcement of BC’s access to information and privacy laws, including the [Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165](#) (“*FIPPA*” or the “*Act*”).

2. *FIPPA* vests in the Commissioner a discretionary power to investigate public bodies’ compliance with the *Act*.

3. On or about November 19, 2025, the petitioner submitted an access request to the City of Victoria (the “**City**”) for all records related to 10 human resources investigations that occurred in the City’s bylaw department between 2020 and 2025. The City refused to disclose the requested records based on s. [22\(1\)](#) of *FIPPA*, which prohibits a public body from disclosing personal information to an applicant that would unreasonably invade a third party’s personal privacy.

4. Before the OIPC, the petitioner conceded that s. [22](#) properly applied to the records. In other words, the petitioner conceded that disclosure would be an unreasonable invasion of third party personal privacy. Instead, he argued that the City ought to have nevertheless disclosed the information pursuant to s. [25\(1\)\(b\)](#) of the *Act*. That section provides that, notwithstanding *FIPPA*’s mandatory and discretionary exceptions to disclosure, public bodies must proactively disclose information where disclosure is clearly in the public interest.

5. On March 20, 2026, the OIPC found that the disclosure of the records was not clearly in the public interest (the “**Decision**”). Section [25](#) sets a high standard. Given that s. [25](#) overrides other mandatory and discretionary exceptions to disclosure, disclosure of the information at issue must be obviously and evidently in the public interest. In this case, the issues raised were not a matter of widespread public debate. Notably, an earlier disclosure of a summary of the investigations had already advanced accountability. Further, the information sought was sensitive employee information of third parties, which weighed against a finding that disclosure was clearly in the public interest.

6. In this judicial review, the question for the court to determine is whether the OIPC’s interpretation and application of s. [25](#) in the Decision was reasonable. The OIPC takes no position on that question.

7. It is not appropriate for the court to go further to question whether disclosure would invade the personal privacy of third parties, contrary to s. [22](#) of *FIPPA*. That issue was conceded by the petitioner. He cannot resurrect s. [22](#) and ask the court to consider it for the first time on judicial review.

B. The Role of the OIPC in this Judicial Review

8. The OIPC will appear at the hearing of this judicial review to explain the structure and relevant provisions of *FIPPA*, explain the record below and the Decision, and frame the issues, in keeping with the appropriate role of a tribunal on a petition for judicial review.

Ontario (Energy Board) v. Ontario Power Generation Inc., [2015 SCC 44](#) [*Ontario (Energy Board)*], paras. [41-72](#)

Burnaby (City) v. British Columbia (Information and Privacy Commissioner), [2023 BSC 948](#) [*Burnaby*], paras. [33-34](#)

9. In addition, the OIPC will speak to issues that go to the respective jurisdiction of the tribunal and the court, including the standard of review and new issues on judicial review. Submissions that address those issues do not lead a tribunal to enter the fray of the litigation or discredit its impartiality.

Pacific Newspaper Group Inc. v. Communications, Energy and Paperworkers Union of Canada, Local 2000, [2014 BCCA 496](#), paras. [29-35](#)

British Columbia (Attorney General) v. British Columbia (Information and Privacy Commissioner), [2019 BCSC 1132](#), para. [26](#)

10. The OIPC takes no position on the reasonableness of the Decision. However, the OIPC reserves the right to seek an expanded role, including by arguing the reasonableness of the Decision, should this court consider that to be helpful and appropriate considering the principles of tribunal standing.

Ontario (Energy Board), paras. [52-59](#)

Burnaby, paras. [33-34](#)

C. Statutory Scheme

11. The purposes of *FIPPA* are to make public bodies more accountable to the public and to protect personal privacy, as set out in s. [2\(1\)](#) of the *Act*. *FIPPA* achieves these purposes by giving the public a right of access to records, specifying limited exceptions to this right of access, and providing for an independent review of decisions made under the *Act* (s. [2\(1\)\(a\)](#), [\(c\)](#) and [\(e\)](#)), among other things.

12. Section [4](#) of *FIPPA* creates a right of access to information in the custody or control of public bodies:

- 4 (1) Subject to subsections (2) and (3), an applicant who makes a request under section 5 has a right of access to a record in the custody or under the control of a public body, including a record containing personal information about the applicant.
- (2) The right of access to a record does not extend to information that is excepted from disclosure under Division 2 of this Part, but if that information can reasonably be

severed from a record, an applicant has a right of access to the remainder of the record.

[...]

13. [Schedule 1](#) of *FIPPA* defines a public body to include a local public body. In turn, a local public body is defined to include a municipality.

14. Part 2 of *FIPPA* sets out the process for making and responding to access requests (ss. [5-11](#)), as well as the discretionary and mandatory exceptions to the disclosure of records that are subject to the *Act* (ss. [13-22.1](#)).

15. Among the mandatory exceptions in Part 2 of *FIPPA*, s. [22\(1\)](#) obligates public bodies to refuse requests for the disclosure of records that would unreasonably invade a third party's personal privacy. Section [22\(2\)](#) sets out the circumstances that a public body must consider in determining whether a disclosure of personal information constitutes an unreasonable invasion of privacy, and s. [22\(3\)](#) describes categories of personal information, the disclosure of which is presumed to be an unreasonable invasion of privacy. For example, the disclosure of personal information related to employment, occupational, or educational history is presumed to be an unreasonable invasion of a third party's personal privacy (s. [22\(3\)\(d\)](#)).

16. Section [25](#) of *FIPPA* provides that, regardless of whether any exceptions to disclosure apply, public bodies have an obligation to proactively disclose information if doing so is clearly in the public interest:

25 (1) Whether or not a request for access is made, the head of a public body must, without delay, disclose to the public, to an affected group of people or to an applicant, information

- (a) about a risk of significant harm to the environment or to the health or safety of the public or a group of people, or
- (b) the disclosure of which is, for any other reason, clearly in the public interest.

(2) Subsection (1) applies despite any other provision of this Act.

[...]

17. The threshold to establish that s. [25\(1\)\(b\)](#) applies is a high one: the duty to disclose under s. [25\(1\)\(b\)](#) “only exists in the clearest and most serious of situations where the disclosure is *clearly* (i.e. unmistakably) in the public interest” [emphasis original]. The information in dispute must be “of clear gravity and present significance to the public interest.” Disclosure is required “where a disinterested and reasonable observer, knowing the information and all of the circumstances, would conclude that disclosure is plainly and obviously in the public interest.”

Legal Services Society (Re), [2020 BCIPC 34](#) [*Legal Services Society*], para. [17](#)

18. This court and the OIPC have distinguished between information that has piqued the interest or curiosity of the public and information that is *in* the public interest. The public interest is that which affects, or is in the interests of, a significant number of people, or something that transcends private interest.

Office of the Information and Privacy Commissioner, [Section 25: The Duty to Warn and Disclose](#) (December 2018) [**Guidance Document**], p. 2

Mount Polley Mine Tailings Pond Failure (Re), [2015 BCIPC 30](#) [**Mount Polley Investigation Report**], pp. 29-30

19. When determining whether disclosure of information is clearly in the public interest, public bodies and the OIPC consider the following factors:

- a. whether the matter is the subject of widespread debate in the media, the Legislature, or by other Officers of the Legislature or oversight bodies;
- b. whether the matter relates to a systemic problem rather than to an isolated situation; and
- c. whether the disclosure would:
 - i. educate the public;
 - ii. contribute in a substantive way to the body of information that is already available;
 - iii. enable or facilitate the expression of public opinion or enable the public to make informed political decisions; or
 - iv. contribute in a meaningful way to holding a public body accountable for its actions or decisions.

[Guidance Document](#), p. 3

20. If a public body has determined that disclosure of information is clearly in the public interest, the public body should next consider the nature of the information, the purpose of any relevant access exceptions, the rights and interests engaged, and the impact of disclosure on those rights and interests to determine if the information meets the high threshold for disclosure. Greater amounts or sensitivity of information weigh against disclosure.

[Guidance Document](#), p. 3

[Mount Polley Investigation Report](#), pp. 29-30

21. Part 5 of *FIPPA* concerns reviews by and complaints to the OIPC. Pursuant to s. [52](#), a person who makes a request for records may ask the Commissioner to review any decision by a public body to refuse to provide access to information. Section [53](#) requires a request for a review

be made in writing and delivered to the Commissioner. The Commissioner then notifies the head of the public body concerned (s. [54](#)), and appoints an investigator to mediate the matter (s. [55](#)). If the matter is not resolved by mediation, the Commissioner appoints an adjudicator to conduct an inquiry (s. [56](#)).

22. In addition to the powers and duties of the Commissioner regarding reviews in Part 5, the *Act* also vests in the Commissioner a general responsibility for monitoring how *FIPPA* is administered to ensure its purposes are achieved. Pursuant to this responsibility, s. [42\(1\)\(a\)](#) of *FIPPA* empowers the Commissioner to conduct investigations and audits to ensure compliance with any provision of the *Act*. Without limiting s. [42\(1\)](#), s. [42\(2\)\(a\)](#) empowers the Commissioner to investigate and attempt to resolve complaints that a public body has not performed a duty under the *Act*.

23. Pursuant to s. [49\(1\)](#), the Commissioner may delegate any duty, power or function of the Commissioner in the *Act* to any person.

D. Background and Record before the OIPC

24. On October 30, 2025, CTV News published a written article and video news segment regarding a series of workplace conduct investigations that occurred in the City's bylaw department. The reporting relied in part on the result of an access request filed by CTV News (the "**CTV Access Request**"), which yielded a high-level summary of human resources investigations in the department between 2020 and 2025. The summary identified the number of investigations per year, classified each investigation by type (discrimination, respectful workplace, and/or bullying and harassment), and provided the substantiation status of each investigation (founded, partially founded, unfounded, or N/A), but did not provide any substantive details regarding the investigations or complaints.

25. On October 31, 2025, CTV News published a follow-up story with comment from the Mayor and the City about the City's response to the investigations.

26. On November 4, 2025, the petitioner requested access to the following information from the City:

Any document pertaining to the investigation of complaints of discriminatory language or conduct by bylaw officers, within the scope of characteristics enumerated under s. 8 of the BC Human Rights Code (Indigenous identity, race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age).

Start Date Range: 2020-11-04

End Date Range: 2025-11-04

27. On November 19, 2026, the petitioner narrowed his request to the following:

All records of the ten human resources investigations involving Bylaw Services. (Date Range of Search 2020-01-01 to 2025-11-04).

28. The City determined that all records responsive to the narrowed request were required to be withheld pursuant to s. [22\(1\)](#) of *FIPPA*, as disclosure of the same would amount to an unreasonable invasion of third parties' personal privacy. On December 30, 2025, the City sent the petitioner a letter to this effect via email (the "**Access Denial Letter**").

29. On the same day, December 30, 2025, the petitioner responded to the Access Denial Letter via email. Among other things, the petitioner raised s. [25\(1\)](#) of *FIPPA*:

Besides, allow me to bring to your attention that s. 25(1)(b) of the FIPPA, which prevails over every other section (see s. 25.2 [*sic*]), explicitly states that information must be disclosed if clearly in the public interest. Since one of the complainants granted an interview to CTV News and publicly called for an independent investigation into the department's workplace culture and management practices, it would be unseemly for the OIPC to decide otherwise. [...]

In concluding his response, the petitioner requested that the City reconsider its position before he exercised further legal recourse.

30. On December 31, 2025, the City advised the petitioner via email that it would not be reconsidering its position on the application of the *Act*.

31. On January 2, 2026, the petitioner requested the OIPC to review the City's decision to withhold records. The petitioner took the position that even if the records were properly withheld pursuant to s. [22](#) because disclosure would be an unreasonable invasion of a third party's privacy, s. [25](#) should prevail because the disclosure of the records is clearly in the public interest. In support of his view that disclosure of the records was clearly in the public interest, the petitioner cited the October 30, 2025 article from CTV News.

32. On or about April 20, 2026, the OIPC Director of Investigations (the "**Investigator**") asked the petitioner to clarify whether he was requesting a review of the application of s. [22](#) to the records, or was complaining that the City did not disclose the information when disclosure was clearly in the public interest, contrary to s. [25](#). The Investigator explained that it is well established that public bodies are authorized to withhold third party personal information in human resources files pursuant to s. [22](#), but that he understood the petitioner's position to be that s. [25](#) overcomes s. [22](#) based on the public interest in the human resources investigations. The Investigator thus asked whether the petitioner wanted the Investigator to focus on whether s. [25\(1\)\(b\)](#) applies rather than on the City's withholding the records under s. [22\(1\)](#).

33. On or about April 20, 2026, the petitioner confirmed that the City's application of s. [22](#) was not in issue. The petitioner stated he "[did] not dispute that in general public bodies are to withhold such records, and it is indeed well-established in the jurisprudence." The petitioner confirmed that the object of his complaint was the City's compliance with s. [25](#) of *FIPPA*.

34. The OIPC proceeded to investigate the matter as a complaint that the City had not disclosed information where disclosure was clearly in the public interest, contrary to s. [25\(1\)\(b\)](#). In light of the petitioner's concession, the OIPC did not conduct a review of the City's application of s. [22](#) of *FIPPA*.

35. On or about April 27, 2026, the Investigator wrote to the petitioner to provide him with a further opportunity to make submissions with respect to the application of s. [25\(1\)\(b\)](#) of *FIPPA*. The Investigator advised that s. [25\(1\)\(b\)](#) applies only in the clearest and most serious situations. The Investigator summarized his understanding of the petitioner's reasons for believing that disclosure of the contents of the investigative records was clearly in the public interest, including that:

- a. the human resource investigations have been the subject of media reports;
- b. one individual called for an independent investigation;
- c. the individual waived their right to privacy by speaking to the media;
- d. eight complaints in the bylaw department were founded or partially founded; and
- e. the OIPC no longer interprets s. [25](#) to require temporal urgency in order to compel disclosure.

The Investigator also asked for the petitioner's view on the purpose of disclosure in this case.

36. In response, on or about April 27, 2026, the petitioner supplied two additional reasons for his belief that disclosure of the City's investigative records was clearly in the public interest:

- a. The subject of the investigations, including discrimination, is serious and forbidden by the [Human Rights Code, R.S.B.C. 1996, c. 210](#), which prevails over other enactments in BC; and
- b. The complainants in the workplace investigations are whistleblowers, and the BC Ombudsperson has recommended that whistleblowers in municipal government be covered under the [Public Interest Disclosure Act, S.B.C. 2018, c. 22](#).

With respect to the purpose of the disclosure, the petitioner stated that an independent investigation cannot occur without disclosure of the records.

37. On or about May 8, 2026, the Investigator followed up with the petitioner about the applicability of s. [25\(1\)\(b\)](#). The Investigator noted that CTV's initial report on the workplace investigations came about, at least in part, as a result of an access to information request. The CTV Access Request and subsequent reporting elicited a response from the City. In effect, the Investigator posited, the access to information mechanisms in *FIPPA* had already brought the matter of the workplace investigations to light. The Investigator questioned whether this made additional disclosure pursuant to s. [25\(1\)\(b\)](#) less compelling, and invited the petitioner to share his perspective.

38. On or about May 8, 2026, the petitioner responded by reiterating that the CTV Access Request only yielded the disclosure of statistical or summary information. The petitioner also expressed concern with the sufficiency of the City's response to the workplace investigations. To further support his position that disclosure of the workplace investigation records was clearly in the public interest, the petitioner quoted the founder of a consulting firm, who commented in CTV's October 31, 2026 article that the number of workplace investigations in the City's bylaw department was "extremely high."

E. The Decision Under Review

39. The Investigator issued his Decision on May 20, 2026, concluding that disclosure of the human resource investigation records was not clearly in the public interest and the petitioner's complaint of non-compliance with s. [25](#) was not substantiated.

40. The Investigator began by summarizing the basic chronology of the petitioner's access request and complaint.

Decision, pp. 1-2

41. The Investigator then reproduced s. [25\(1\)\(b\)](#) and summarized its interpretation. The Investigator noted that a number of OIPC orders and investigations have opined on the application of s. [25\(1\)\(b\)](#), including *Legal Services Society*, which concluded that the duty to disclose under s. [25\(1\)\(b\)](#) only exists in the clearest and most serious of situations. The information in dispute must be of clear gravity and present significance to the public interest. Disclosure under s. [25\(1\)\(b\)](#) is required where a disinterested and reasonable observer, knowing the information and all of the circumstances, would conclude that disclosure is plainly and obviously in the public interest.

Decision, p. 2

42. The Investigator listed other factors to consider in the application of s. [25\(1\)\(b\)](#), including whether the matter is the subject of widespread debate, whether the matter relates to a systemic problem or isolated situation, and whether the disclosure would contribute in a substantive way to the information that is already available or contribute in a meaningful way to holding a public body accountable, as summarized in the Guidance Document.

Decision, pp. 2-3

43. The Investigator stated that the test for whether s. [25\(1\)\(b\)](#) applies can include weighing the above factors and determining whether they apply to such an extent that they justifiably override the exceptions to disclosure in Part 2 of *FIPPA*, including s. [22](#), which prohibits disclosure harmful to personal privacy.

Decision, p. 3

44. The Investigator found that the human resources investigations at the City were not the subject of widespread debate in the media, the Legislature or by other Officers of the Legislature or oversight bodies. The Investigator only located the two CTV News articles on the matter provided by the petitioner, and one additional post on an HR website.

Decision, p. 3

45. The Investigator found that he had insufficient information to conclude that the workplace investigations were related to a systemic problem. Some complaints of workplace misconduct in the bylaw department were substantiated and two former bylaw officers came forward to the media, but the Investigator found he could not conclude on this basis that the investigations were the result of deep rooted, systemic issues. The Investigator posited that disclosure via s. [25\(1\)\(b\)](#) could clarify this uncertainty. However, he observed that the workplace investigations had already come to light through an access to information request, which in turn spurred a response from the Mayor and the City. Accordingly, the Investigator viewed *FIPPA*'s purpose of making public bodies more accountable through greater transparency as having already been somewhat achieved.

Decision, p. 3

46. In addition, the Investigator weighed the fact that disclosure of the investigative records requested by the petitioner could result in the public disclosure of third parties' highly sensitive personal information, and any such disclosure could compromise the privacy protections otherwise afforded to City employees.

Decision, p. 4

47. In response to the petitioner's argument that those who spoke to the media had waived their privacy rights, the Investigator found that the former bylaw officers did not waive their privacy rights under *FIPPA* nor the City's responsibility to protect them. The Investigator also disagreed that further recourse for those officers depended on public disclosure and scrutiny of the investigative records.

Decision, p. 4

48. Thus, the Investigator concluded that he could not substantiate the petitioner's complaint that the City failed to disclose information that was clearly in the public interest by withholding the information about human resources investigations.

Decision, pp 4-5

Part 5: LEGAL BASIS

A. The Court Should Decline to Hear New Issues Raised by the Petitioner Concerning s. 22 of *FIPPA*

49. It is a well-established principle of administrative law that a party should raise all issues before the first-instance decision maker, and cannot raise new issues for the first time on judicial review. While the court has discretion to hear issues for the first time on judicial review, this discretion should be exercised sparingly. Generally, this discretion will not be exercised in favour of an applicant on judicial review where the issue could have been, but was not, raised before the tribunal. This is particularly true where the issue relates to the tribunal's specialized expertise.

Alberta (Information and Privacy Commissioner) v. Alberta Teachers' Association, [2011 SCC 61](#), paras. [22-26](#)

50. In the Petition, the petitioner appears to make new arguments concerning the interpretation and application of s. [22](#) of *FIPPA*. The petitioner argues that the Investigator ought to have explained why disclosure would harm personal privacy with reference to ss. [22\(3\)\(e\)](#) (unfair exposure to financial or other harm), [\(f\)](#) (information supplied in confidence), and [\(h\)](#) (unfair damage to reputation) of *FIPPA*.

Petition, para. 20

51. Before the OIPC, the petitioner conceded that the City properly withheld the records in their entirety in accordance with s. [22](#). In other words, the petitioner conceded that disclosing any of the information in the requested human resources records would unreasonably invade third parties' personal privacy. To the extent the petitioner is seeking to retract his concession that disclosure of the investigative records would harm third parties' privacy, that is a new argument, and one that is contrary to the position he took before the OIPC, that he cannot advance for the first time on judicial review.

52. The petitioner also appears to be advancing an argument that identifying "contact information" in the requested records could have been redacted, and that other, non-identifying information concerning third parties in the records could be "fair game" to disclose in accordance with s. [22](#).

Petition, para. 13

53. In effect, this amounts to a new argument that identifying personal information should be withheld from the requested records. The mechanism for withholding identifying information would be s. [22](#). The petitioner conceded he was not requesting a review of the application of s. [22](#) before the OIPC, and he should not be permitted to advance that argument for the first time here.

54. Considering the interpretation and application of s. [22](#) for the first time on judicial review would deprive the court of the benefit of the OIPC's considered reasons on the matter. The OIPC has first instance authority to interpret and apply s. [22\(3\)](#). Further, the OIPC would be required to consider the interplay between "personal information" and "contact information", both of which are defined terms in *FIPPA*. The interpretation of s. [22](#) is a matter for the OIPC, and acceding to these new arguments deprives the court of the benefit of the OIPC's expertise on the matter.

Harrison v. Simon Fraser University, [2025 BCSC 2341](#), paras. [76-78](#)

B. The Standard of Review is Reasonableness

55. In *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019 SCC 65](#) [*Vavilov*], the court established reasonableness as the presumptive standard for substantive review of administrative decisions. This presumption is only displaced by the following narrow exceptions:

- a. where a legislated standard of review applies;
- b. where the statute provides for a statutory appeal mechanism to the court;
- c. constitutional questions;
- d. general questions of law of central importance to the legal system as a whole;
- e. questions regarding the jurisdictional boundaries between two or more administrative bodies; and
- f. where a tribunal and the court have concurrent first instance jurisdiction.

Vavilov, paras. [10](#), [23](#), [34-64](#), and [69](#)

56. None of the exceptions apply in this case. In particular, there is no legislated standard of review applicable to the OIPC. The OIPC is not governed by the [Administrative Tribunals Act, S.B.C. 2005, c. 45](#) ("*ATA*"). The *ATA* only operates when made applicable to a tribunal or other body by another enactment, and *FIPPA* has not made the *ATA* applicable to the OIPC.

ATA, s. [1.1\(1\)](#)

57. What distinguishes reasonableness review from correctness review is that the court conducting a reasonableness review must focus on the decision the administrative decision maker actually made, including the justification offered for it, and not on the conclusion the court itself would have reached in the decision maker's place.

Vavilov, para. [83](#)

58. When applying the reasonableness standard, courts are required to take a "reasons first" approach that focuses on the administrative decision maker's justification of the decision in light of any relevant legal and factual constraints. Courts must begin by examining the reasons with

respectful attention, and seeking to understand the reasoning process followed by the decision maker to arrive at their conclusion.

Vavilov, paras. [84](#), [91](#)

59. This requires reading the decision maker's reasons in light of the context of the proceedings in which they were rendered. Courts might consider the evidence before the decision maker, the concessions and submissions of the parties, publicly available guidelines that informed the decision maker's work, and past decisions of the relevant administrative body, all of which may serve to explain an aspect of the decision maker's reasoning process that is not apparent from the reasons themselves.

Vavilov, para. [94](#)

60. The decision maker's reasons must not be assessed against a standard of perfection. That the reasons given for a decision do not include all the arguments the reviewing judge would have preferred is not, on its own, a basis to set the decision aside.

Vavilov, para. [91](#)

61. Where a decision is based on an internally coherent and rational chain of analysis, and is justified in relation to the facts and law that constrain the decision maker, a court must defer to that decision. A reasonable decision is one that "hangs together"; it is rational, coherent, and its conclusions are those that could have been reasonably reached based on the evidence and the history of proceedings.

Vavilov, paras. [85](#), [99](#)

Pyne v. British Columbia (Information and Privacy Commissioner), [2026 BCSC 677](#) [*Pyne*], para. [71](#)

62. The burden is on the party challenging the decision to show that it is unreasonable, in that there are shortcomings that are more than merely superficial or peripheral to the merits of the decision such that the decision cannot be said to exhibit the requisite degree of justification, intelligibility and transparency.

Vavilov, para. [100](#)

63. Judicial review is not an opportunity for the petitioner to re-argue the matter, or invite the court to reweigh the evidence and substitute its own views.

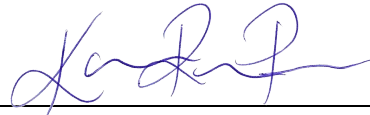
Vavilov, paras. [83](#), [125](#)

Pyne, paras. [71-74](#)

Part 6: MATERIAL TO BE RELIED ON

1. The full record of proceedings before the OIPC, to be filed;
2. Such further and other material as counsel may advise and the court may allow.

Dated: 07 Aug 2026



Signature of lawyer for petition respondent
Kate R. Phipps and Rachel McMillan

Petition respondent's address for service:

Arvay Finlay LLP
1512 – 808 Nelson Street
Box 12149, Nelson Square
Vancouver BC V6Z 2H2

Email address for service:

kphipps@arvayfinlay.ca
rmcmillan@arvayfinlay.ca
nbadea@arvayfinlay.ca

Name of the petition respondent's lawyer:

Kate R. Phipps