

Decision on Whether to Conduct or Continue a Review

Policy

Pursuant to section 67(2) of PHIA, an analysis should be conducted prior to commencing a review. The Office of the Information and Privacy Commissioner (OIPC) may move to a review if the Commissioner is satisfied there are reasonable grounds to do so, including in circumstances where:

- it has been determined that attempts to reach a satisfactory informal resolution with the parties is no longer resulting in progress toward a resolution;
- either party communicates or demonstrates an unwillingness to continue with the informal resolution process; or
- informal resolution could not be achieved within 60 days of receipt of the complaint.

OIPC may determine there are no reasonable grounds to conduct a review if the complainant fails to participate in the process such that the Commissioner determines that further progress on the file is not possible.

OIPC may also determine not to conduct a review under section 67(3) of PHIA at any stage if the Commissioner is satisfied that:

- the custodian has responded adequately to the complaint;
- another procedure or proceeding would be more appropriate for the complaint;
- the length of time between the date of the incident and the date of the complaint would likely result in undue prejudice to a person
- a report would not serve a useful purpose because of the length of time between the date of the incident and the date of the complaint; or
- the complaint is trivial, frivolous, vexatious, or is made in bad faith.

Purpose

This policy guides the decision on whether to conduct or continue a review.

Scope

This policy applies to all files.

Approved by Information and Privacy Commissioner



Commissioner

February 20, 2024

Date