**ALBERTA**

**OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER**

# ORDER ATIA2025-DEI-01

November 26, 2025

University of Alberta

Case File Number 040470

**Office URL:** www.oipc.ab.ca

**Summary:** The head of the University of Alberta (the Public Body) made a decision to disregard the Applicant's access request under sections 9(1)(a) and (b) of the *Access to Information Act* (ATIA). The Commissioner found the head of the Public Body properly disregarded the access request as permitted by section 9 of ATIA.

**Statutes Cited: AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 2, 55; *Access to Information Act*, S.A. 2024, c. A-1.4, ss. 2, 9, 64; *Protection of Privacy Act*, S.A. 2024, c. P-28.5.

**Authorities Cited: AB:** Request to Disregard F2025-RTD-02, F2024-RTD-04, F2022-RTD-07, F2017-RTD-02, F2020-RTD-03, F2002-RTD-01

**Cases Cited:** *Alberta (Information and Privacy Commissioner) v United Food and Commercial Workers, Local 401*, 2013 SCC 62; *Canada (Information Commissioner) v Canada (Minister of National Defence)*; *Dagg v Canada (Minister of Finance)*, 1997 CanLII 358; *Douez v Facebook,* 2017 SCC 33; *H.J. Heinz Co. of Canada Ltd. v Canada (Attorney General)*, 2006 SCC 13; *Lavigne v Canada (Office of the Commissioner of Official Languages),* 2002 SCC 53; *Ontario (Public Safety and Security) v Criminal Lawyers' Association,* 2010 SCC 23, 2011 SCC 25*; Trial Lawyers Association of British Columbia v British Columbia (Attorney General),* 2014 SCC 59 (CanLII*);Yu v University of Alberta*, 2025 ABKB 408.

## I. BACKGROUND

[para 1] This matter is a continuation of prior dealings between the Public Body and the Applicant as is set out in my previous decision, Request to Disregard, F2025-RTD-02. In F2025-RTD-02, I considered the Public Body's request to disregard 43 access requests made by the Applicant under section 55 of the *Freedom of Information and Protection of Privacy Act* (FOIP Act). In that decision I found, at paragraph 10, "there are a number of ongoing policy based proceedings and active investigations involving the Applicant [and the Public Body] at the present time." For the reasons given in F2025-RTD-02, on May 6, 2025, I authorized the Public Body to disregard the 43 access requests and provided further authorization to the Public Body to disregard any future requests made by the Applicant during a three-month "cooling off" period.

[para 2] During the three-month "cooling off" period, on June 11, 2025, the FOIP Act was repealed and the *Access to Information Act* (ATIA) came into force. The Applicant refrained from submitting further access requests to the Public Body during the "cooling off" period, but did submit two privacy complaints.

[para 3] The day that the "cooling off" period ended, on August 7, 2025, the Applicant submitted the current Access Request under ATIA to the Public Body. The Access Request contains 19 separate sub-requests, 11 of which are continuing requests. Generally, the requests appear to relate to the Applicant's ongoing dispute with the Public Body.

[para 4] On September 5, 2025, the Applicant was notified that the head of the Public Body (the Head) had decided to disregard the Applicant's Access Request under sections 9(1)(a) and (b) of ATIA.

[para 5] On September 26, 2025, my office accepted the Applicant's request to review the Head's decision to disregard the Access Request under section 9 of ATIA. The matter proceeded directly to inquiry without mediation or investigation as is my office's standard practice under ATIA when considering whether a public body properly disregarded an access request as permitted by section 9 of ATIA.

## II. ISSUE: Did the head of the Public Body properly disregard the request as permitted by section 9 of the Act?

***Overview of ATIA Section 9***

[para 6] The head of a public body's authority to disregard an access request is set out in section 9 of ATIA, which states:

> *9(1) The head of a public body may disregard a request made under section 7(1) if*

*(a) responding to the request would unreasonably interfere with the operations of the public body or amount to an abuse of the right to make a request because the request has been made repeatedly or in a systematic nature,*

*(b) the request is abusive, threatening, frivolous or vexatious or is made in an abusive or threatening manner,*

*(c) the information the request relates to has already been provided to the applicant, or has been made available to the public under section 90 or 91,*

*(d) despite receiving further information from an applicant under section 7(3), the request does not meet the requirements of section 7(2)(c) because the public body does not have information that is sufficiently clear to enable the public body to locate and identify the record within a reasonable time with reasonable effort, or*

*(e) the request is otherwise overly broad or incomprehensible.*

*(2) Where the head of the public body has disregarded a request, the applicant must be told*

*(a) the reasons for the decision to disregard the request, and*

*(b) that the applicant may ask for a review of that decision under Part 3.*

*(3) The public body must notify the applicant that the applicant's request has been disregarded within 30 business days after the public body receives the request.*

*(4) Despite subsection (3), if the applicant's request is being disregarded under subsection (1)(d), the public body must notify the applicant that the applicant's request has been disregarded within 30 days after receiving the applicant's response to the public body's request for further information under section 7(3).*

[para 7] The FOIP Act was repealed on June 11, 2025 and was split and replaced by two Acts: ATIA, which generally deals with access to information rights and the *Protection of Privacy Act* (POPA), which generally deals with privacy rights, that is the collection, use and disclosure of personal information by public bodies. Since this matter concerns the Head's decision to disregard an access request, the applicable legislation is ATIA. POPA does not bear on this matter.

[para 8] The purpose of ATIA, set out in section 2 states:

*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 limited and specific exceptions as set out in this Act, a right of access to personal information about themselves that is held by a public body, and*
>
> *(c) to provide for independent reviews of decisions made by public bodies under this Act and the resolution of complaints under this Act.*

[para 9] The purpose provisions in section 2 of ATIA are identical to the access provisions in sections 2(a), (c), and (e) of the repealed FOIP Act. Generally, they create a right of access to information, subject to limited and specific exceptions, and provide for independent reviews of decisions made by public bodies. Under section 55 of the repealed FOIP Act, the head of a public body was required to ask the Commissioner for authorization to disregard an access request in certain specified circumstances, which ensured that an applicant's right of access was not undermined or arbitrarily taken away. Under ATIA, the head of a public body (or the head's delegate) is now authorized under section 9 to decide to disregard an access request in specific circumstances, subject to review by the Commissioner. Given the identical purposes of the repealed FOIP Act and ATIA, the same general principles apply to disregarding an access request, whether the first instance decision maker is the head of a public body or the Commissioner.

[para 10] Access and privacy rights have long been considered "quasi-constitutional" by the Supreme Court of Canada and as such, play a fundamental role in the preservation of a free and democratic society.[1] As noted in *Dagg v Canada (Minister of Finance)*:[2]

> The overarching purpose of access to information legislation, then, is to facilitate democracy. It does so in two related ways. It helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry.

[para 11] In *Ontario (Public Safety and Security) v Criminal Lawyers' Association*, the Supreme Court of Canada further elaborated that while access to information rights do not guarantee access to all documents held by government, access to information is a derivative right of the

[1] See, for example: *Douez v Facebook,* 2017 SCC 33 at paras 4, 50, 58, 59, 76 and 105; *Alberta (Information and Privacy Commissioner) v United Food and Commercial Workers, Local 401*, 2013 SCC 62 at paras 19 and 22; *Canada (Information Commissioner) v Canada (Minister of National Defence)*, 2011 SCC 25 at paras 79 and 82; *H.J. Heinz Co. of Canada Ltd. v Canada (Attorney General)*, 2006 SCC 13 at paras 28 and 63; *Lavigne v Canada (Office of the Commissioner of Official Languages),* 2002 SCC 53 at paras 24-25; *Dagg v Canada (Minister of Finance)*, 1997 CanLII 358 at paras 65-66

[2] *Dagg v Canada (Minister of Finance)*, 1997 CanLII 358 at para 61

section 2(b) constitutional right of freedom of expression, where it is a necessary precondition of meaningful expression on the functioning of government. [3]

[para 12] In light of the quasi-constitutional nature of the right of access, a decision to disregard an access request must be carefully considered by the head of a public body and utilized only as the exception to the general rule of access. Decisions to disregard under section 9 cannot be a routine option for a public body to avoid its obligations under ATIA. However, this quasi-constitutional status of the right to access information does not mean that an individual's ability to exercise this right is unlimited; there is no right to make abusive requests.[4]

[para 13] In this office's first published decision authorizing a public body to disregard an access request, former Commissioner Frank Work explained the purpose of the disregard provision as follows:[5]

> The FOIP Act was intended to foster open and transparent government (Order 96-002 [pg. 16]). Section 2(a) and section 6(1) of the FOIP Act grants individuals a right of access to records in the custody or under the control of a public body. The ability to gain access to information can be a means of subjecting public bodies to public scrutiny
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> However, the right to access is not absolute. The Legislature recognizes there will be circumstances where information may be legitimately withheld by public bodies and therefore incorporated specific exceptions to disclosure to the FOIP Act. Section 2(a) of the FOIP Act states the right of access is subject to "*limited and specific exceptions*" as set out in the FOIP Act. Section 6(2) of the FOIP Act states that the right of access "*does not extend to information excepted from disclosure*" under the FOIP Act.
>
> In my view, the Legislature also recognizes that there will be certain individuals who may use the access provisions of the FOIP Act in a way that is contrary to the principles and objects of the FOIP Act. In Order 110-1996, the British Columbia Information and Privacy Commissioner wrote:
>
> > "*…The Act must not become a weapon for disgruntled individuals to use against a public body for reasons that have nothing to do with the Act…"*
>
> Section 55 of the FOIP Act provides public bodies with a recourse in these types of situations.

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[3] *Ontario (Public Safety and Security) v Criminal Lawyers' Association,* 2010 SCC 23 at para 30

[4] See, for example: F2017-RTD-02 (Calgary Police Service), 2020 CanLII 97987 (AB OIPC) at para 20, referring to Chief Justice McLachlin's comments in *Trial Lawyers Association of British Columbia v British Columbia (Attorney General),* 2014 SCC 59 (CanLII) at para 47 and F2020-RTD-03 (Alberta Justice and Solicitor General) at para 9.

[5] Request to Disregard, F2002-RTD-01 (Alberta Municipal Affairs), 2002 CanLII 7872 (AB OIPC), at pp. 2 and 3.

[para 14] As with section 55 of the repealed FOIP Act, now ATIA provides public bodies with recourse in those types of situations specified in section 9(1).

[para 15] There are two parts to section 9(1)(a):

1) First, the head of a public body (or the head's delegate) must determine that responding to the request would either:

    i) unreasonably interfere with the operations of the public body
    *or*
    ii) would amount to an abuse of the right to make a request.

*AND*

2) Second, the head of a public body (or the head's delegate) must determine that because either:

    i) the request has been made repeatedly
    *or*
    ii) the request has been made in a systematic nature

that the first part applies.

That is, in order to disregard an access request under section 9(1)(a), the head must determine that both the first and the second parts of this provision apply.

[para 16] In order to disregard an access request under section 9(1)(b), the head of a public body must determine that the access request is abusive *or* threatening *or* frivolous *or* vexatious *or* is made in an abusive *or* threatening manner. The head of the public body need only determine that one of the listed criteria under section 9(1)(b) is met.

[para 17] Once the head of a public body has decided to disregard a request under section 9(1), a public body must also meet the requirements of sections 9(2) and 9(3) (or section 9(4) if the decision was made under section 9(1)(d)).

[para 18] Section 9(2) requires that an applicant must be told the reasons for the decision to disregard the request and that the applicant may request a review. A review of the head of the public body's decision to disregard an access request is exactly that, a review of the decision that was made and the reasons provided to an applicant. It is not an opportunity for a public body to provide *ex post facto* justification for the decision that was made. A public body may provide additional evidence to support the head's decision under section 9(1), but the review

must focus primarily on the decision and reasons provided under section 9(2) of ATIA at the time the applicant was notified of the decision.

[para 19] Section 9(3) requires that notice of the decision be given to the applicant within 30 business days after the public body receives the request.

***Discussion of the Public Body's Decision***

[para 20] The Head provided reasons for the decision to disregard the Applicant's August 7, 2025 Access Request on September 5, 2025. As such, the reasons were provided within 30 business days as required by section 9(3) of ATIA.

[para 21] The Head's decision is 10 pages long and incorporates and relies on a list of 17 additional authorities including the request and reasons from the Public Body's Director to the Head to consider making a decision under section 9, affidavits from Public Body staff and the Applicant, previous materials submitted to my office, including my decision in Request to Disregard F2025-RTD-02, and 5 separate privacy complaints from the Applicant. As this information was provided to the Head and considered in making the section 9 decision, I agree with the Public Body that this is proper supporting material for the Head's decision and I may consider it in my review. The decision complies with the requirements of section 9(2) of ATIA, in that reasons for the decision were provided and the Applicant was informed that a review of the decision could be requested. Next, I must consider whether the Head properly disregarded the access request as permitted by section 9(1) of ATIA.

[para 22] In a review of the head of a public body's decision under section 9 of ATIA, an applicant is not required to make a submission but may choose to do so. In this case, the Applicant provided a submission and affidavit. The Applicant stated that after the three-month cooling off period, only one access request was made, that it included sufficient detail as required by section 7(3) of ATIA and that it named specific individuals and matter numbers, specific dates and date ranges, and identified key phrases to be searched and explicitly removed any repetitiveness with any previously submitted access requests.

[para 23] As this is the first Order regarding section 9 of ATIA, I will specifically note the structure of the Head's decision as it may provide guidance for other public bodies considering this provision:

- The reasons for the decision start with statutory authority. The Head explains that a decision has been made under sections 9(1)(a) and (b), and notes the statutory requirements of section 9 of ATIA.

- The decision provides a list of all the materials reviewed by the Head before making the decision under sections 9(1)(a) and (b).

- The decision provides background information about the relationship and interactions between the Public Body and the Applicant.

- The decision describes the Access Request at issue.

- The decision addresses the requirements of section 9(1)(a) and specifically provides detailed reasons as to why the Head found the Applicant's Access Request meets these requirements.

- The decision addresses the requirements of section 9(1)(b) and specifically provides detailed reasons as to why the Head found the Applicant's Access Request meets these requirements.

- Finally, the decision notifies the Applicant that a review by the Commissioner may be requested.

[para 24] The Head, in his decision to disregard, provided background as follows (footnotes omitted):

> Based on the information provided, I am satisfied of the following facts.
>
> Between July 22, 2024, through April 25, 2025, [the Applicant] submitted 54 access requests to the Director. The requests broadly related to "a number of ongoing policy-based proceedings and active investigations involving [the Applicant]."
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> At first, the University responded to 9 of [the Applicant's] requests. However, on November 14, 2024, the University applied to the Office of the Information and Privacy Commissioner (the "Commissioner") for permission to disregard 13 of [the Applicant's] requests under section 55 of the *Freedom of Information and Protection of Privacy Act* (the "Section 55 Application").
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> While the Commissioner was deciding the Section 55 Application, [the Applicant] submitted 32 additional requests to the University. The 32 additional requests were added to the University's Section 55 Application. Collectively, I refer to all of [the Applicant's] access requests from July 22, 2024, through April 25, 2025, as the "Previous Access Requests."
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> On May 6, 2025, the Commissioner released her decision on the Section 55 Application (the "Decision"). The Commissioner authorized the University to disregard the Previous Access Requests and all future requests made by [the Applicant] for a period of three months.
>
> During that time, [the Applicant] ceased submitting further access requests, but [the Applicant] did submit two privacy complaints, which I understand were not subject to

the Decision. The Director has also indicated that her office has been responding to prior privacy complaints submitted prior to the Decision being released.

[para 25] The Head explained that when its Information, Privacy and Records Management Office (the "IPRMO") received the Access Request, the IPRMO Director reviewed it and determined it was similar to the approximately 54 prior access requests the Applicant had previously made under the now repealed FOIP Act. In a letter to the Head dated September 4, 2025, the Director explained the similarity as follows:

1) It appears that the Access Request broadly pertains to matters involving the same administrative proceedings and investigations into the Applicant,

2) Many of the individuals named in the Access Request are the same as those identified in the Prior Access Requests and Additional Requests, and

3) The Access request is similarly "lengthy, broad, and complex…multiple pages in length, with numerous sub-parts and involv[ing] a large number of named individuals.

**Section 9(1)(a)**

[para 26] As noted above, in order to make a decision under section 9(1)(a), a head of a public body (or the head's delegate) must determine that responding to the request would either unreasonably interfere with the operations of the public body *or* amount to an abuse of the right to make requests *because* the request has been made repeatedly or in a systematic nature.

[para 27] In this decision, as is discussed below, the Head determined that because the Access Request had been made in a systematic nature, responding to the Access Request would both unreasonably interfere with the operations of the Public Body and amounted to an abuse of the right to make requests.

***Responding to the request would unreasonably interfere with the Public Body's operations***

[para 28] The Head's decision explains that the IPRMO Director had previously provided sworn evidence to my office as to the overwhelming impact of the Applicant's access requests and referred to paragraph 36 of Request to Disregard, F2025-RTD-02, where I had previously accepted the Public Body's evidence. In deciding that responding to the request would unreasonably interfere with the Public Body's operations, the Head stated as follows:

> The Director suggested that the Request is, in effect, 19 separate requests. I agree. The sub-categories vary in topic. For example, (1) relates to legal hold notices, (4) relates to a University of Alberta Protective Services file, (7) relates to a course syllabus, and (17) through (19) relate to correspondence originating from approximately 25 different email addresses. The Director will be required to make different inquiries with different

individuals and departments in order to fully respond to each of [the Applicant's] requests. Further, I note that 11 of these requests are continuing requests which will place an ongoing burden upon the University.

The Director has advised that processing the Request would overwhelm the Information, Privacy, and Records Management Office (the "IPRMO") from being any [sic] to respond to other requests in a timely manner. The Director has referred to her prior affidavit evidence in the Section 55 Application in support of this statement. The Commissioner previously accepted this evidence in her previous Decision:

> [36] The Public Body has not argued that its staffing levels are insufficient; rather it submits that the breadth and complexity of the Applicant's requests have overwhelmed its staff. The Applicant seeks records used to inform decisions made considering them and they include numerous quotes as the basis for locating records. In that, the requests are both vague and complex. The Public Body provided sworn evidence that the Applicant's requests are consuming 50% of the time of the employees in the Information and Privacy Office, and 70% of the Director's time. I accept the Public Body's evidence on this point. I cannot see how it is reasonable for a public body to devote that much staff time to a single individual over a period of months. Even without additional information about how this compares to its regular operations and usual requests, which would have been helpful, it is clear that the Applicant has consumed an unreasonable amount of the Public Body's resources. In addition, the Current Requests will interfere with a large number of Public Body staff, and according to the Public Body's sworn affidavit, would require years to process and complete. I find that responding to the Current Requests would unreasonably interfere with the Public Body's operations.

I accept the Commissioner's reasoning and arrive at the same conclusion: the Request would unreasonably interfere with the University's operations.

[para 29] The Applicant disputes the Head's finding, arguing the University did not establish that responding would unreasonably interfere with its operations [footnotes omitted, emphasis in original]:

> Previous Commissioners' decisions specifically elaborated on the higher threshold of proof for a public body to prove unreasonable interference as follows:
>
> a. 2024-RTD-04 at para 31: Public bodies have a statutory duty to respond to access to information requests under the FOIP Act. **It is generally the case that almost any access request, by the inherent nature of requiring staff to search for, review, and often redact information, will interfere with a public body's usual operations. The Public Body bears the burden to prove that responding to the Access Requests will unreasonably interfere with its operations. This is a higher threshold than the usual actions required in the normal course of responding to any access request.**

b. Decision F2020-RTD-03 at para 23: Although the Public Body provided some general information regarding what would be involved in processing the request and how that would interfere with its operations, it is difficult for me to make a determination, on the basis of the evidence before me, as to whether this would unreasonably interfere with its operations. All access requests will interfere with an organization's operations to some extent. I recognize it may be difficult for a public body to provide a precise estimate of the time required to process an access request without processing it but some additional information is needed. For example, an estimate of how long full time staff may be required and, **importantly, how that compares to its regular operations and usual access requests would be of assistance.**

[para 30] I agree with the Applicant that this principle established under the FOIP Act continues to apply to a decision to disregard a request under ATIA. A head of a public body must determine that responding to a request would *unreasonably* interfere with its operations.

[para 31] The Applicant then appears to argue that insufficient specifics were provided as to what the effect of responding to the current request would be. However, this is directly contradicted by the September 4, 2025 letter from the Director to the Head which provides a detailed overview of the work of that office and states, in part:

> The current number of files open at the IPRMO is 117. Forty-six files were received by the IPRMO since the issuance of the OIPC's May 6, 2024 decision (F2025-RTD-02) made in response to the University's November 14, 2024 application under section 55 of the FOIP Act. This means that approximately 40% of the IPRMO's current case load has been received and remains active since May 6 with overlapping deadlines. This is a very significant and resource intensive workload and although the University is committed to working compliantly and to support the current IPRMO resources with this significant workload received within a 3.5 months period it has considered accessing other qualified contractors where appropriate to do so, these types of supports are very expensive and resource intensive to manage as well. Additionally we are always mindful of the privacy and security of information/records involved in particular files and the management of files is considered on a case by case basis.
>
> The IPRMO is also responsible for ongoing campus access and privacy-related training programs for various staff groups as well as our Liaison Officers (FLOs) – our key contact employees within all faculties and departments. Additionally I, with assistance from IPRMO staff, is managing and overseeing several projects supporting the implementation of the ATIA and POPA which came into force on June 11, 2025. The fact that request 25-ARP-01144 was submitted on a single form does not negate the reality that the practical processing of this request is equivalent to managing 19 distinct requests received on the same day, involving multiple University program areas including but not limited to Agriculture, Life and Environmental Sciences (ALES), University of Alberta Protective Services (UAPS), Student Success and Experience (formerly the Office of the Dean of Students (DoS), Office of the Provost and Vice President Academic, Human Resources, Faculty Relations, etc. If this request were to be added to the current IPRMO workload this file alone would account for almost 16% of

> the total workload and would account for 19% of my workload alone. While requests may result in a large volume of complex records being identified as responsive, single requests containing 19 distinct requests (including continuing requests) is not typical or routine.
>
> The management and processing of this request within the context of the IPRMO's and specifically workload would unreasonably interfere with the IPRMO's operations. The entirety of the University's ATIA and POPA compliance is centered in the IPRMO. To process the request would interfere with the University's ability to ensure compliance on all other files and activities to the detriment of other applicants, staff, and overall University operations.

[para 32] The information considered by the Head included a summary of the work of the IPRMO, a description of the current caseload, an estimate of the time required to respond to the Applicant's request, and an explanation of how responding would unreasonably interfere with the Public Body's operations.

[para 33] The Applicant's submission then moves on to discuss different access requests made by a different individual. The Applicant provided an affidavit with records relating to these different access requests made by a different individual and refers to a court decision *Yu v University of Alberta*, 2025 ABKB 408. If I am following the Applicant's argument correctly, it appears to be that because the Public Body has responded to other broad and repetitive requests made by a different individual, little weight should be given to the Public Body's affidavit regarding the effect that responding to the Applicant's Access Request would have on its operations (Applicant's submission paragraphs 21 – 30). The Applicant states, in part:

> With respect, the Director does not adequately or consistently explain as follows:
>
> a. why she or her Office expediently responded four times to another student, [name redacted], making repetitive and similarly broad requests for responsive records totaling 2977 pages and now asserts the Access Request is "not typical or routine";
>
> b. how my Access Request substantially differs from [name redacted] four broad access requests and why only my Access Request is alleged to unreasonably interferes [sic] with the University's operations;
>
> c. whether my Access Request (split into 19 sub-items with some continuing) will make up 70% or 16% (a difference of 54%) of her caseload and consume 50% or 19% (a difference of 31%) of her time; and
>
> d. why she or her Office did not apply to disregard my access request of July 24, 2024 containing 15 sub-items.

[para 34] The alleged inconsistencies noted by the Applicant are not applicable to the facts in this case because they refer to different requests and estimates provided at different times. In a November 19, 2024 affidavit, the Director swore that the Applicant's requests were consuming

50% of employees' time and 70% of the Director's time. Almost a year later, in the September 4, 2025 letter from the Director to the head of the Public Body, the Director stated that responding to this particular Access Request "would account for almost 16% of the total workload and would account for 19% of my workload alone".

[para 35] I do not accept the Applicant's arguments. The fact that a public body has responded to other access requests, including previous access requests from the same applicant, does not mean it is required to respond to a request that falls within the terms of section 9(1) of ATIA. This is because context and facts differ.

[para 36] I find the Head established that responding to this Access Request would unreasonably interfere with its operations.

***Because of the systematic nature, the request amounts to an abuse of the right to make a request***

[para 37] The Head further determined that the Access Request amounts to an abuse of the Applicant's right to make requests because the Access Request is systematic in nature. "Systematic in nature" refers to a pattern of conduct that is regular or deliberate. The decision notes this and states:

> In the Commissioner's Decision, she held that [the Applicant's] Previous Access Requests "are not concise or limited in scope; they are lengthy, broad and complex. Many of them are multiple pages in length, with numerous sub-parts and involve a large number of named individuals" [F2025-RTD-02 at para 43].
>
> In my view, the current Request displays the same characteristics and pertains to the same subject matter of the Previous Access Requests. The current Request was also submitted the very day that three-month period ended. I conclude that the Request is continuation of the systematic nature of the Previous Access Requests that were subject to the Decision and adopt the Commissioner's conclusion that "[a]s all of the requests generally relate to the same ongoing proceedings between the parties, they are clearly a pattern of conduct that is regular or deliberate" [F2025-RTD-02 at para 30].
>
> Having found that the Request is systematic, I turn to whether the Request constitutes an abuse of [the Applicant's] right to make access requests. I believe that it is. I adopt the Commissioner's reasoning on this point:
>
> > [46] The nature of the information requested, the detail associated with each line within the Applicant's requests, the use of many quotes as the basis for locating a record, the relentless making of access requests of a similar nature, and the background information about the underlying dispute and the allegations regarding the Applicant together clarify that the purpose of these requests is not aligned with the purpose of the FOIP Act.

> [47] The continuing pattern of these requests indicates that they are intended to harass and grind the Public Body and are an abuse of the right to access information under the FOIP Act. Viewed as a whole, these factors lead to the conclusion that the Current Requests are an abuse of the Applicant's rights under the FOIP Act [F2025-RTD-02].
>
> It is especially telling that [the Applicant] continued to make privacy complaints during the three month period, and that [the Applicant] submitted the current Request the very day that that period ended. The Commissioner encouraged the Applicant to use that period as "an opportunity" to consider the Commissioner's comments regarding the Prior Access Requests and Additional Requests, and "ensure that any future requests are crafted in such a manner to avoid [further applications to disregard the requests]" [F2025-RTD-02 at para 54]. I do not think that [the Applicant] followed the Commissioner's advice, as the present Request appears to be a continuation of [the Applicant's] prior conduct.
>
> In sum, I believe the Request is a continuation of the same persistent, harassing behaviour exhibited by [the Applicant] in Previous Access Requests. Based on the complexity of the Request, the similarity between the current Request and the Previous Access Requests, the likely interference upon the IPRMO's operations, and [the Applicant's] disregard for the comments made by the Commissioner in her prior decision, I believe that it would be appropriate to disregard the Access Request pursuant to section 9(1)(a) of the Act.

[para 38] The Applicant disputes that the Head established the Access Request was systematic, relying on F2022-RTD-07 at paragraph 31 where an applicant had made two lengthy access requests with sub-parts and this was not found to be systematic. The Applicant argues that only one request was made with 19 sub-parts. However, the Applicant's argument fails to acknowledge that fact that the Public Body has already responded to 15 access requests, and it was previously authorized under the FOIP Act to disregard an additional 43 requests made by the Applicant. The Head has established that this Access Request is systematic in nature.

[para 39] The Applicant further disputes that the Access Request is an abuse of the right to make requests, arguing that it is legitimate.

[para 40] Having reviewed the decision and the evidence that was before the Head in making the decision, I concur with the Head's assessment of the Access Request. I find that the Head of the Public Body properly disregarded the request as permitted by section 9(1)(a) of the Act.

[para 41] As I have already found that the request was properly disregarded under section 9(1)(a), and that the decision complies with the requirements of section 9(2) and 9(3), there is no need for me to consider the Head's decision under section 9(1)(b).

**Additional Considerations – Authority to Disregard Future Requests**

[para 42] When the IPRMO Director provided information to the Head to make a decision under section 9, the Head was also asked to consider disregarding future requests from the Applicant for a period of 1 year. The Head declined to do so, finding as follows:

> The Director has asked that I disregard future requests from [the Applicant] for the period of 1 year. It is not clear to me at this stage that I have the authority to do so under the Act. If future requests are made, they may be provided to me for a new determination under sections 9 and 12 of the Act. However, I reserve the right to consider this issue afresh in the event that [the Applicant] continues [their] conduct relating to making similar requests.

[para 43] The Public Body, in its submission for this expedited inquiry, requested that I provide an order under section 64 of ATIA that it is authorized to disregard the Applicant's future access requests for a period of one year.

[para 44] I have not considered the issue of whether a head of the Public Body has authority under ATIA to disregard future requests that may be made by an applicant because no decision was made by the Head and it is therefore not directly before me.

[para 45] At this time, I also decline to consider the Public Body's request that I make an order authorizing it to disregard the Applicant's future requests as the sole issue before me is the decision that was made by the Head under section 9.

## III. ORDER

[para 46] The issue before me is "Did the head of the Public Body properly disregard the request as permitted by section 9 of the Act?" In accordance with my authority under section 64 of ATIA, I dispose of this issue by making the following order:

> I confirm the decision of the Head of the Public Body to disregard the Applicant's Access Request under section 9(1)(a) of ATIA.

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Diane McLeod
Information and Privacy Commissioner