ALBERTA
INFORMATION AND PRIVACY COMMISSIONER

REQUEST TO DISREGARD PIPA2026-RTD-01

March 31, 2026

Monarch Child & Family Therapy

Case File Number 039620

[1] Monarch Child & Family Therapy (the "Organization") is an "organization" as defined under section 1(1)(i) of the *Personal Information Protection Act* ("PIPA"). The Organization requested authorization under section 37(b) of PIPA to disregard an access request ("Request") made by an applicant (the "Applicant"). To avoid disclosing the Applicant's identity through gender, while the Applicant is singular, the Applicant is referred throughout as they/them/their.

[2] For the reasons outlined in this decision, I find the Request is vexatious and have decided to grant the Organization authorization under section 37(b) of PIPA to disregard the Request.

Commissioner's Authority

[3] Section 37 of PIPA gives me the power to authorize an organization to disregard certain requests. Section 37(a) and (b) state:

> 37 If an organization asks, the Commissioner may authorize the organization to disregard one or more requests under section 24 or 25 if
>
> (a) because of their repetitious or systematic nature, the requests would unreasonably interfere with the operations of the organization or amount to an abuse of the right to make those requests, or
>
> (b) one or more of the requests are frivolous or vexatious.

[4] An individual's right of access to their personal information and to request correction of their personal information under PIPA is not absolute. Where an organization establishes

that the conditions of section 37(a) or (b) are met, I may authorize the organization to disregard that request.

Background

[5] This matter arises in the context of ongoing high-conflict family law proceedings. The Organization provides counselling services. The Applicant is not a patient of the Organization, but the Applicant and former spouse had agreed on the Organization providing counselling to the Applicant's child. Over the period of counselling, the Applicant became increasingly aggravated with the Organization. On October 6, and 7, 2024, the Organization and the Applicant exchanged a number of emails regarding scheduling notifications. The Applicant was dissatisfied that the Organization's scheduling notifications could go to only one person, which was the Applicant's former spouse. To resolve the issue, an employee of the Organization emailed the Applicant all of the upcoming scheduled sessions for the Applicant's child. The Applicant was not satisfied with this resolution and wanted to receive automatic notifications of upcoming appointments. After numerous emails from the Applicant, the Organization advised the Applicant the discussion was done, the Applicant's communications were inappropriate and they would be provided to legal counsel.[1] The Applicant continued to send numerous emails to the Organization as well as attempting to attend the Organization in person.[2]

[6] The Applicant withdrew consent for their child to receive counselling on October 17, 2024. Around the same time (on dates between October 12 and 21, 2024), the Applicant made several regulatory complaints to various regulators including the College of Registered Psychotherapists of Ontario, the College of Alberta Psychologists, and the Canadian Counselling and Psychotherapy Association regarding the employee of the Organization who had attempted to resolve the scheduling notification issue with the Applicant.

[7] On January 6, 2025, a court order was filed that, among other things, dispensed with the Applicant's consent to have their children attend counseling. The court granted the

[1] Email from Organization to Applicant dated October 7, 2024 at 8:49 am (Email exchange provided by the Applicant on May 20, 2025).

[2] Email from Organization to Applicant dated October 7, 2024 at 8:20 pm (Email exchange provided by the Applicant on May 20, 2025) See also Tab 3 of the Organization's Initial Submission.

Applicant's former spouse final decision-making authority with respect to selecting therapists for the applicant's children.[3]

[8] The Applicant made a Request to the Organization under PIPA dated March 24, 2025. The Request checks boxes for the following:

(a) Contents of personnel file
(b) Computer screens prints of personal information
(c) Handwritten notes about telephone conversations
(d) Email Correspondence

The Request asks for multiple copies of responsive records from different locations departments if they are identical and further requests:

- Internal memos, investigation notes or assessments relating to the Applicant
- Correspondence between a variety of named third parties mentioning or discussing the Applicant or the Applicant's children
- Call logs or internal case tracking records referencing interactions with or about the Applicant
- Records of access requests made by other named individuals that resulted in disclosure of the Applicant's information
- Legal opinions, summaries, or redactions applied to the Applicant's complaint
- Case review notes, risk assessments, or priority classifications assigned internally to the Applicant's file
- Communications with professional associations that mention or relate to the Applicant's submissions

[9] Around the same time of the Request, on March 27 and 28, 2025, the Organization was contacted by a University where the employee of the Organization had taught, and Telus Health, where the employee had provided services. The Organization reported that both the University and Telus had been contacted and sent copies of a communication that had been provided only to the Organization and the Applicant. The Organization characterized the communication as confidential, and provided authority to support its position.[4] While neither the University or Telus confirmed who had provided the confidential document, the Organization states:

> [i]t is reasonable to infer that [the Applicant] or someone acting on [the Applicant's] instruction, was responsible for contacting [the University] and Telus in an attempt to

[3] Tab 7 of the Organization's Initial Submission. See also Transcript of Proceedings dated December 18, 2024 at page 12, lines 31 – 38 and page 14, lines 6 – 7, 17, and 21 (Transcript provided by the Applicant on May 20, 2025).
[4] Organization initial submission at page 4 and Organization second submission at page 3.

> embarrass [the employee of the Organization], and to attempt to interfere with [the employee's] contractual relationships with those entities.

[10] The Organization also provided copies of letters from the Applicant's counsel that it described as "threatening and aggressive" and stated that a Law Society of Alberta complaint was pending regarding same.

[11] The Applicant provided a number of responses to the Organization's application. Many of the Applicant's communications did not address the application before me, but provided information about allegations against an employee of the Organization and other regulatory matters as well as the high-conflict family law proceedings. The Applicant also referred to a separate matter before my office and appeared to attempt to raise additional issues under PIPA that are not before me and I have not considered.

[12] With respect to the Organization's application to disregard the Request, the Applicant notes that the burden of proof in an application under section 37 of PIPA lies with the Organization and, in the May 14, 2025 submission stated, in part:

> 1. The Request is Legitimate and Made in Good Faith
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> My access request seeks clarity on the unauthorized disclosure of my personal information to third parties, which directly impacted my parental rights. This is a valid concern under PIPA section 24(1)(b). The request is specific, factual, and based on documented harm – not frivolous nor vexatious.
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> 2. Evidence Supporting my Position – Voicemail and Correspondence
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> In prior submissions, I referenced a voicemail I left for [an employee of the Organization], which reflects my calm and constructive approach. The Organization holds this voicemail and had not produced it despite its relevance. This record directly contradicts their characterization of my conduct.

[13] The Applicant provided similar information in a May 20, 2025 submission. The Applicant repeated that the Request was legitimate and made in good faith and explained that the reasoning behind the Request was the Applicant's belief that personal information had been used against the Applicant in the family law proceedings.

[14] While this matter was ongoing, the Organization learned that after it had brought this application to disregard on May 7, 2025, the Applicant had contacted a non-profit organization where an employee of the Organization volunteered and was a board member. The Applicant's May 22, 2025 email to the non-profit insinuates the employee may be a risk to children and the non-profit should reconsider its relationship with the employee of the Organization and attached information including the Organization's initial submission in this matter. The Organization pointed out a variety of

misrepresentations the Applicant had made about the employee in the email to the non-profit. The Organization submitted further:

> While [the Applicant] has submitted [they were] acting in good faith, when the full context of the Email is considered, it is respectfully submitted that the Email – disclosing both [a regulatory] decision and parts of the Disregard Submission – was a further attempt by [the Applicant] to embarrass and harass [an employee of the Organization], and to damage [the employee's] reputation in the small community [redacted] where [the employee] lives, volunteers, practices and earns [a] living. This supports our submission that the access request was vexatious and made for an improper purpose.
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> As such, it is respectfully submitted that [the Applicant's] disclosure of information from our Disregard Submission to [the non-profit] was improper, and done with the intention of created the (false) impression that:
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> a) [the employee] is under investigation by multiple agencies (such as the OIPC); and
> b) organizations that work with [the employee] are pulling away due to ethical and disciplinary matters related to children.
>
> This is an abuse of the right to make an access request. It is also evidence that [the Applicant's] access request is retaliatory in nature and aimed at harassing [the employee and the Organization

[15] The Applicant confirmed on May 26, 2025 that they had sent the message to the non-profit organization. The Applicant explained the message was a good faith and appropriately worded communication stating:

> My intent was to inform a child-focused organization of a substantiated ethical concern involving one of its affiliates – an action rooted in public interest and protection of minors.
>
> […]
>
> To suggest that this communication negates the legitimacy of my access request is both inaccurate and retaliatory. My original access request remains narrow, legally valid and based on disclosures of my personal information to third parties, which were later used in court against me. None of that core privacy concern is addressed or diminished by my non-profit communication, which exists outside the scope of this OIPC file.

[16] The Applicant provided a further response on June 3, 2025, citing this file's number (039620) stating, in part:

> The materials presented by [the Organization] attempt to recast my legitimate access request as a personal attack or campaign of harassment. This is not only inaccurate but also serves as a strategic effort to divert attention away from the real issue at hand: [the Organization's] privacy breach as already substantiated by [a regulator's] formal findings and detailed in my original complaint and submissions.

To be clear:

(a) The purpose of this OIPC file is to determine whether [the Organization] unlawfully disclosed my private communications to third parties without consent.

(b) [The Organization's] additional submission does not speak to or refute the substance of that alleged breach.

(c) The suggestion that my outreach to a child-focused organization constitutes harassment is deeply troubling, especially when my statement merely referenced [the confidential communication provided only to the Organization and Applicant].

The submission by [the Organization] further distorts the intent and content of my outreach. My communication to [the non-profit] was grounded in a public safety concern and based on publicly available disciplinary records – records I am lawfully entitled to reference, particularly in contexts where child welfare is potentially affected. The decision to redirect that communication back to [the Organization] was not mine and does not reflect misconduct on my part.

Moreover, as OIPC's own mandate outlines, your role is not to arbitrate reputational disputes or intervene in defamation claims; it is to ensure compliance with Alberta's privacy legislation. The introduction of unrelated grievances into this process risks undermining the clarity and seriousness of the privacy issues that remain central to this investigation.

I respectfully request that the OIPC maintain its focus on the original complaint concerning unauthorized disclosure of private information and evaluate any arguments or submissions accordingly.

[17] The Applicant has mischaracterized this matter. As the Applicant has been told previously, this file (039620) is not an investigation of the Organization; it is an application brought by the Organization.[5] The only issue before me in this file is whether the Organization has met its burden to establish that the conditions of section 37(b) are met, and if so, whether I will exercise my discretion to authorize the Organization to disregard the Applicant's Request. I am not reviewing any ongoing proceedings between the parties. I am not reviewing any of the Applicant's other matter(s) before my office regarding the Organization as they will be reviewed in due course in accordance with my office's usual procedures.

[5] Emails to Applicant from OIPC including those dated May 20, 2025 and 10:11 am and at 1:34 pm and May 27, 2025 at 8:42 am.

Burden of Proof

[18] PIPA is silent on the burden of proof associated with an application to disregard a request under section 37. In prior decisions, I have held that:[6]

> The proposition that "he who asserts must prove" applies across all areas of law, unless there is a specific reverse onus: for example, see Garry v Canada, 2007 ABCA 234, para 8; and Rudichuk v Genesis Land Development Corp, 2017 ABQB 285, para 27. The proponent of a motion needs evidence.
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> As the moving party requesting my authorization, the onus is on the Public Body to prove, with evidence, the requirements of section 55(1)(a) or (b), on a balance of probabilities. As I stated in the MacEwan University Decision under section 55(1) Decision (September 7, 2018), "I cannot make arguments for any party before my office. I must make a decision based on the arguments and evidence the parties put before me".
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> Under section 55(1)(a), I am permitted to authorize the Public Body to disregard one or more of the Applicant's requests if they are repetitious or systematic in nature, and would unreasonably interfere with the operations of the Public Body or amount to an abuse of the right to make those requests. Under section 55(1)(b), I may authorize the Public Body to disregard one or more of the requests if they are frivolous or vexatious.
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> Because section 55 provides that I "may" give authorization, if the Public Body meets its burden I must then decide whether to exercise my discretion to authorize the Public Body to disregard the requests.
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> Applying this reasoning to section 55, if a public body meets its burden, I will then go on to consider whether there is any compelling reason not to grant my authorization to disregard a request.

[19] While these findings were made under section 55(1) of the *Freedom of Information and Protection of Privacy Act* (the FOIP Act)*,* they are equally applicable to the equivalent provision, section 37 of PIPA. Therefore, it is up to the Organization to establish, on a balance of probabilities, that the threshold in section 37(b) is met in this case and on doing so I must exercise my discretion about whether to authorize the Organization to disregard the access request.

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[6] Citing former Commissioner Clayton, F2019-RTD-01 (Alberta Justice and Solicitor General, February 1, 2019); 2019 CanLII 145132 (AB OIPC), at pp. 7 and 8.

[20] This Office's 2011-2012 Annual Report reported an oral decision of the Court of Queen's Bench, a judicial review of a section 55(1) decision issued under the FOIP Act.[7] In quashing that section 55(1) decision of former Commissioner Work, the Court expressed its view that an application to disregard an access request amounts to a summary dismissal (or disposition) application. Given the similarity of a request for authorization to disregard an access request and a summary disposition application, Alberta's case law provides some guidance as to the evidentiary requirements of a section 55(1) of the FOIP Act, or as here section 37 of PIPA. The law in Alberta is clear that parties to a summary disposition application must 'put their best foot forward'.[8] However, in the *Bonsma* decision, the Court further expressed its view that a person defending what amounted to a summary dismissal under the FOIP Act, or as here under section 37 of PIPA, 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.

[21] I interpret this decision as meaning that an applicant is not obligated to make a submission in response to an organization's request for authorization to disregard their access request made under PIPA.

[22] Although the Organization has the burden of proof, the British Columbia Information and Privacy Commissioner has previously observed (with respect to British Columbia's equivalent provision under its *Freedom of Information and Protection of Privacy Act* to section 55(1) of the FOIP Act), "if a public body establishes a *prima facie* case that a request is frivolous or vexatious, the respondent bears some practical onus, at least, to explain why the request is not frivolous or vexatious."[9] What this means in terms of a section 37 request made under PIPA is if an applicant chooses to provide a submission in response to an application to disregard an access request, that submission may be considered along with that made by the organization.

[23] In this case, I have also considered the submissions and evidence provided by the Organization and the Applicant.

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[7] *Clarence J Bonsma v The Office of the Information and Privacy Commissioner and Alberta Employment and Immigration Information and Privacy Office*, an oral decision of Clackson J. in Court File No. 1103-05598.
[8] See, for example, *Weir-Jones Technical Services Incorporated v Purolator Courier Ltd*., 2019 ABCA 49 at para 37; *Alberta Energy v Alberta (Information and Privacy Commissioner),* 2024, ABKB 198 at para 21 (rev'd 2025 ABCA 163 on an unrelated ground).
[9] Auth (s. 43) (02-02), [2002] BCIPCD No. 57 at para 4.

Purpose and Application of Section 37 of PIPA

[24] Section 3 sets out the purposes of PIPA, which "is to govern the collection, use and disclosure of personal information by organizations in a manner that recognizes both the right of an individual to have his or her personal information protected and the need of organizations to collect, use, or disclose personal information for purposes that are reasonable."

[25] PIPA does not allow a general right of access to information; it is limited to personal information. In this case, and as the Organization has noted in its submission, much of the Applicant's Request is not for the Applicant's personal information, but for general information or information about other individuals, including the Applicant's minor children. The Applicant has provided no evidence that they have legal authorization to request access to their children's personal information.

[26] Accordingly, PIPA either does not apply to most of the Applicant's Request because it is not for personal information or the Applicant has not established legal authority to request their children's personal information in the Request. The issue of whether the Applicant has legal authority to request access to their children's personal information is irrelevant because, for the reasons provided below, I have found the Request is vexatious under section 37(b) and have authorized the Organization to disregard it.

Section 37(b) – Is the Request frivolous or vexatious?

[27] Section 37(b) states as follows:

> 37 If an organization asks, the Commissioner may authorize the organization to disregard one or more requests under section 24 or 25 if
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> …
>
> (b) one or more of the requests are frivolous or vexatious.

[28] The Organization submits the Request is both frivolous and vexatious. I will deal first with the issue of whether it is vexatious. Among other things, my office has previously stated that a vexatious request is one in which an applicant's true motive is other than to gain access to information, which can include the motive of harassing the organization to whom the request is made. A vexatious request may also involve misuse or abuse of a legal process. While I agree with these comments and others made by former Commissioners, the common law also provides guidance in capturing the meaning of "vexatious".

[29] For example, in *Canada v Olumide*, 2017 FCA 42 the Federal Court of Appeal has stated:[10]

> In defining "vexatious" it is best not to be precise. Vexatiousness comes in all shapes and sizes. Sometimes it is the number of meritless proceedings and motions or the reassertion of proceedings and motions that have already been determined. Sometimes it is the litigant's purpose, often revealed by the parties sued, the nature of the allegations against them and the language used. Sometimes it is the manner in which proceedings and motions are prosecuted, such as multiple, needless filings, prolix, incomprehensible or intemperate affidavits and submissions, and the harassment or victimization of opposing parties.
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> Many vexatious litigants pursue unacceptable purposes and litigate to cause harm. But some are different: some have good intentions and mean no harm. Nevertheless, they too can be declared vexatious if they litigate in a way that implicates section 40's purposes: see, *e.g. Olympia Interiors* (F.C. and F.C.A.) above.
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> Some cases identify certain "hallmarks" of vexatious litigants or certain badges of vexatiousness: see, for example, *Olumide v Canada*, 2016 FC 1106 at paras. 9-10 where the Federal Court granted relief under section 40 against the respondent; and see paragraph 32 above. As long as the purposes of section 40 are kept front of mind and the hallmarks or badges are taken only as non-binding *indicia* of vexatiousness, they can be quite useful.

[30] The Federal Court of Appeal's comments were made specifically in relation to section 40 of the *Federal Courts Act*, but in my view, a broad interpretation of "vexatious" is applicable to applications to disregard an access or correction request. Similarly, the Alberta Court of Appeal (in speaking to the jurisdiction granted to the Court under the *Judicature Act,* not PIPA) cautioned that too strict an adherence to indicia of vexatious may invite a formalistic analysis which does not focus on the individual litigant.[11] While these judicial comments are not directly applicable to PIPA, they provide support for the interpretation that there are many ways in which an access or correction request may be considered vexatious. Such a finding will always depend on the specific facts of the case.

[31] The Organization summarizes its position as follows:

> Finally, given [the Applicant's] improper request for information that is either:
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> a) not "personal information" as defined by PIPA;
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> b) exempted under PIPA;

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[10] *Canada v Olumide*, 2017 FCA 42 at paras 32 – 34.

[11] *Jonsson v Lymer*, 2020 ABCA 167 at para 40.

c) about third parties to which [the Applicant] is not entitled; and/or

d) privileged

It is submitted that [the Applicant's] motivation in making the Request is to continue [their] harassment of [the Organization] and to access the confidential counselling records of [their child]. This is particularly egregious in light of the December Order, which removed [the Applicant's] decision-making authority when it comes to counselling for [the Applicant's] children. In this regard, it is further submitted that the Request is an abuse of process and amounts to a collateral attack on the December Order.

The Request violates the purpose of the Act. With respect, it is submitted that the Commissioner should not allow PIPA to be used as a weapon by a disgruntled individual who has a personal vendetta against [the Organization].

[32] Having carefully reviewed all of the parties' submissions and evidence, I make the following findings of fact. The Applicant and former spouse had agreed that the Organization would provide counselling for their child. The Organization did so, but over time, the Applicant became increasingly aggravated with the Organization. The triggering incident for this matter appears to be the Organization's automatic appointment reminder, which notified only the Applicant's former spouse of upcoming counselling appointments, and not the Applicant. The Organization did not change the automatic notifications, but an employee of the Organization attempted to resolve the issue by sending the Applicant an email with upcoming scheduled appointments for the Applicant's child.[12]

[33] This resolution was unacceptable to the Applicant and the relationship deteriorated. The Applicant then embarked upon a lengthy campaign of abuse and harassment of the Organization, and particularly targeted at the employee of the Organization who had attempted to resolve the scheduling notification issue.

[34] The Applicant filed complaints with numerous regulatory organizations. As the Applicant received information from regulatory organizations, (including from this office on this matter), the Applicant then used that information to further perpetuate the campaign of harassment. The Applicant sent selections of communications intended to portray the employee of the Organization in the poorest light to other organizations or entities with which the employee of the Organization was involved. This campaign of harassment has involved an ever-broadening circle of entities including regulatory organizations (some of

[12] Emails between Applicant and Organization on October 6 and 7, 2024 (Email exchange provided by the Applicant on May 20, 2025)

which the Organization is not even involved with), other employers of the employee of the Organization, and volunteer organizations the employee is involved with.

[35] The Applicant's actions and submissions during my consideration of this matter do not assist them in demonstrating that there is any merit to the Request, or that it is not vexatious. The circumstances and timing in which the Request was made, including the high-conflict family law proceedings, the removal of the Applicant's decision making authority regarding counselling for their child, and the voluminous regulatory complaints and communications to other entities with which an employee of the Organization is involved make it abundantly clear that the Applicant's purpose in making the Request is not to exercise legitimate rights of access, but is to continue the campaign of harassment against the Organization.

[36] The Organization has met its burden under section 37(b) of PIPA. As I find the Request is vexatious under section 37(b), there is no need for me to consider whether the Request is also frivolous.

Additional Consideration

[37] The Applicant has argued that they require the requested information for ongoing legal proceedings. The Organization submits that, pursuant to section 4(3)(k) of PIPA, personal information contained in court files or other court record is exempt from PIPA. In this case, these arguments are irrelevant to whether the Organization has met its burden under section 37(b) to disregard the Request. However, on this point, I note that section 4(5)(b) specifies that PIPA is not to be applied so as to limit the information available by law to a party to a legal proceeding. Regardless of my decision in this matter, the Applicant, pursuant to the Rules of Court and any direction of the Court, will be able to obtain whatever information is allowed by law. This application is a separate and distinct process from any ongoing legal proceedings.

Decision

[38] After consideration of the relevant circumstances, and for the reasons stated above, the Organization is authorized, under section 37(b) of PIPA to disregard the Applicant's March 24, 2025 Request.

Diane McLeod
Information and Privacy Commissioner