

# File Processing Limit Policy

## Policy Statement

The Office of the Information and Privacy Commissioner (OIPC) is committed to providing exemplary service to the public by addressing privacy and access issues in a timely and efficient manner.

The OIPC has the authority and responsibility to manage the processing of reviews (appeals of access or privacy decisions) that come before it. This includes taking measures to ensure that the processing of multiple reviews (access, privacy or both) by the same individual does not negatively affect the rights of other parties to have their reviews proceed in a fair and timely manner.

## Purpose

The purpose of this policy is to:

- (a) allow the OIPC to manage the processing of reviews; and
- (b) to ensure all parties have fair and timely access to the OIPC.

## The File Processing Limit (FPL) Policy

An applicant may have up to five active files proceeding through the review process at the OIPC at any one time. The FPL is reached when the total number of reviews that are filed by the same individual (including an individual acting in concert with another applicant or operating under an alias) is five (5).

Where possible or practicable, files that are related may be processed at the same time at the sole and absolute discretion of the OIPC. If two or more files are processed together, they will be counted as one file for the purposes of this policy.

## Processing of Files That Exceed the File Processing Limit

The OIPC will identify any applicant who has reached the FPL.

Any reviews in excess of the FPL will be accepted for filing and opened by the OIPC but will be placed on hold until one of the five active files is resolved. Files can be resolved by withdrawal, informal resolution, abandonment, discontinuing, or the issuance of a review report.

The OIPC will notify an applicant with reviews in excess of the FPL of the application of the FPL policy and provide a list of their files and their status, i.e. whether active or on hold. The OIPC will generally process the files in the order in which they are filed with the OIPC.

When one of the five active files is resolved, then a file on hold will be re-activated by the OIPC.

The OIPC will identify the respondent in a file affected by the FPL policy (i.e., a public body under the Freedom of Information and Protection of Privacy Act or Part XX of the Municipal Government Act, or a health information custodian under the Personal Health Information Act). The OIPC will notify the respondent that the file is on hold because the FPL policy has been applied to the applicant. The OIPC will direct the respondent to preserve any relevant records or information until the resolution of the review. The OIPC will notify the respondent once the review is re-activated.

Similarly, the OIPC will notify any affected third parties and original applicants in a review if the file is on hold because of the application of the FPL policy.

### **Changes to the File Processing Limit**

The OIPC reserves the discretion to review and modify the FPL in light of changing operational circumstances.

### **Exceptions to the Application of the FPL Policy**

This FPL Policy does not apply to reviews regarding deemed refusals.

Nothing in the FPL policy prevents the OIPC from determining whether a review before the OIPC is vexatious, frivolous, or an abuse of the OIPC's process.