



**OFFICE OF THE
INFORMATION and PRIVACY COMMISSIONER
for Prince Edward Island**

Decision No.	D-26-002
OIPC File No.	C/25/00235
Public Body	Health PEI
Public Body Ref. Nos.	Access reference 2025-091, review reference 2025-163
Statute	<i>Freedom of Information and Protection of Privacy Act</i>
Decision-Maker	Denise N. Doiron, Information and Privacy Commissioner
Date of Decision	February 12, 2026

SUMMARY

The Applicant requested an indefinite or open-ended extension to provide their submissions in a review. The Commissioner found an indefinite time for an applicant to make submissions was not reasonable. The Commissioner refused to allow the Applicant an indefinite extension but, in the circumstances, allowed a defined extension.

ISSUE

- [1] This review relates to the Applicant's request for an indefinite, or open-ended, extension to give their submissions to satisfy their burden of proof. Ordinarily, we would not issue a public written decision on a request for an extension of time to make submissions. However, I decided to issue a formal decision in this case because the Applicant advised they intend to make a complaint to the Human Rights Commission if we do not agree to an indefinite extension. A written decision will provide a record of our decision, and hopefully provide clarity to the Applicant and anyone else reading the decision about the reasoning behind the decision.

BACKGROUND

[2] The Applicant asked Health PEI for records related to arranging an appointment with a named physician. Health PEI responded, but withheld the physician's personal email address under section 15 of the *Freedom of Information and Protection of Privacy Act* ("FOIPP Act"), which requires public bodies to withhold personal information if disclosure would be an unreasonable invasion of personal privacy.

[3] The Applicant requested a review of Health PEI's decision to withhold the physician's personal email address, stating in part:

"Please be advised that this request for IMMEDIATE review by the Information and Privacy Commissioner will be included in the supporting documents accompanying my Individual Communication under the Optional Protocol to the United Nations Committee against Torture."

[4] In early November, 2025, at our request, Health PEI gave us a copy of their processing file and responsive records.

[5] Around the same time, the Applicant asked us for a list of the files they have at our office, including the issue(s). On November 4, 2025, we provided the Applicant with a list of files with our office that involved the Applicant. On November 6, 2025, we provided the Applicant with a revised list, which also identified the public body, the issue, and whether the file was open or closed at the time the list was provided. The revised list identified 39 files involving the Applicant, all except one of which had been opened since August 2025. 36 of these files were initiated by the Applicant and three were initiated by public bodies.

[6] On November 19, 2025, the Applicant advised our office by email that although they were aware they had received several emails from us, they would not be opening our emails until after they received a decision in an unrelated tribunal hearing, as they were focusing their attention on that tribunal's hearing going forward. The Applicant also advised that if they received an unfavourable decision from that tribunal, they intended to seek the assistance of the United Nations in relation to that other matter. Our office does not have access to the decisions of the other tribunal, any information about when this hearing was expected to occur, or when a decision could be expected to be issued by that tribunal.

[7] Although the Applicant did not ask for this specifically, I thought about whether I should put the files involving the Applicant on hold, given their statement that they would not be opening and reading our correspondence. Ultimately, I opted to continue the matters

involving the Applicant, as we cannot suspend matters indefinitely while a party chooses to pursue their other affairs.

- [8] On November 27, 2025, we sent the Applicant a letter in this matter explaining that we confirm the physician's email address is their personal information, and explained that the *FOIPP Act* places the burden of proof on the applicant seeking access to that information to show disclosure would not be an unreasonable invasion of personal privacy. We provided the Applicant with a brief explanation of the burden of proof and the law on assessing whether section 15 applies and asked them to provide us with their submissions on why they believed disclosure of the physician's personal email address would not be an unreasonable invasion of the physician's personal privacy.
- [9] We generally give parties four weeks to provide us with submissions. The Applicant had advised us earlier, in another matter, that they have a disability, and we confirmed that we accepted this as true without any medical or other evidence. Because of this, we gave the Applicant seven weeks to provide their submissions instead of the standard four weeks. We also advised the Applicant that if we did not receive submissions from them by January 15, 2026, we would consider the matter discontinued and close this file.
- [10] In December 2025 and January 2026, we received various correspondences from the Applicant, but not in relation to this file. On January 5, 2026, we received the Applicant's combined submissions relating to three unrelated files (8 pages), for which they had requested and received an extension, but provided to us five weeks earlier than the extended deadline of February 16, 2026.
- [11] On January 9, 2026, the Applicant wrote a 21-page document, which they called a "mise en demeure" (a rarely used expression that translates to "formal notice" or "demand letter" in English), with the subject line: "Cease and Desist Discriminatory Practices – Harm to Dignity, Feelings and Self-Respect and Harm to Academic Career-Building as Capital Asset". This document was addressed to us and three other organizations and copied to 22 additional parties, including provincial and federal politicians, lawyers, OmbudsPEI, the Human Rights Commission, the Law Society, and the Canadian Civil Liberties Association. The Applicant aired their grievances and advised that, presumably if our decisions are unfavourable, they would file a complaint with the Human Rights Commission and seek compensation in the amount of \$300,000 from our office (in addition to other amounts from other Departments).

- [12] By January 15, 2026, the Applicant had not given submissions on this file. On January 20, 2026, we advised the Applicant and Health PEI by email that we discontinued the review and closed our file as we had not received any submissions from the Applicant. This email included a copy of our cover email of November 27, 2025, which had repeated the statement made in our November 27, 2025, letter that the review would be discontinued if we did not receive the Applicant's submissions by January 15, 2026, but not the letter itself.
- [13] On January 22, 2026, the Applicant responded and said they did not recall receiving our request for submissions and asked for an extension as a disability accommodation. The Applicant did not indicate specifically how much additional time they were looking for. Rather, they requested an extension until such time as a physician (not the physician who was the subject of the access request) gives them an "effective survival management plan". They provided no parameters around when, or if, that goal would be achieved. Therefore, the request was for an indefinite, or essentially open-ended, time period.
- [14] Also on January 22, 2026, in a separate email, the Applicant advised that if we did not give them the extension they requested, they would file a complaint with the Human Rights Commission. This is not the first time the Applicant has made such a comment. In a separate file, we told the Applicant that their stated intention to file a complaint about us to the Human Rights Commission is not relevant to our decision about whether to give them an extension.
- [15] On the same date, I agreed to re-open the file, and gave the Applicant a further two weeks to provide their submissions. This gave the Applicant a sum of nine weeks to provide us with their submissions on why they believed disclosure of the physician's personal email address would not be an unreasonable invasion of the physician's personal privacy. At the Applicant's request, we also resent our letter of November 27, 2025, in which we explained section 15 of the *FOIPP Act* and invited the Applicant to provide their submissions.
- [16] On January 26, 2026, the Applicant advised that two weeks is not a sufficient disability accommodation, and "Should the Commissioner insist that a two week extension is a sufficient disability accommodation in these circumstances, the matter will have to be brought to the attention of the Prince Edward Island Human Rights Commission."

ANALYSIS

- [17] The substantive issue in this review is narrow. It involves one statutory provision (section 15(1) of the *FOIPP Act*) and a single email address. The only issue is whether Health PEI properly decided that disclosing an email address that was not issued by any public body would be an unreasonable invasion of an identified physician's personal privacy. The legislation provides that it is the Applicant who has the burden of proof to show that disclosure of the physician's personal email address would not be an unreasonable invasion of the physician's personal privacy.
- [18] We initially gave the Applicant seven weeks to tell us why they believed Health PEI disclosing a physician's personal email address would not be an unreasonable invasion of the physician's personal privacy, which is almost double the standard time. We also advised the Applicant that if we did not receive their submissions by that date, we would discontinue the review. The Applicant did not respond within the extended time and, as we had advised them, we discontinued the review and closed our file.
- [19] After being advised we had discontinued the review because we had not received any information from the Applicant as we had required, the Applicant asked us to reopen the file and give them more time. I agreed to reopen the file and gave them a further two weeks to tell us why disclosure of the physician's personal email address would not be an unreasonable invasion of the physician's personal privacy.
- [20] The Applicant objected to the two-week extension, although it would have given them a full nine weeks to respond to a very narrow issue. They wanted an indefinite time to give their submissions, claiming they needed more time due to their disability, and a need to receive an "effective survival management plan" from a physician before they might be able to turn their attention to this matter.
- [21] I accept that the Applicant has a disability. I also accept that the Applicant may require more time to provide their submissions than would normally be expected. While I accept that the Applicant has a disability and may require more time to provide their submissions than would ordinarily be expected, any extension I offer must be reasonable in the circumstances.
- [22] I do not accept that the Applicant is unable to meet a defined deadline. I have no reliable evidence to support this assertion, and the Applicant's own actions tend to refute that the Applicant is unable to meet a deadline.

[23] The Applicant has commented that they find it difficult to track and manage their email correspondence. Throughout 2025, the Applicant emailed our office more than 300 times, many of which were lengthy emails, and were about various issues, not just about files with this office. The Applicant has also advised us on numerous occasions that they have made multiple complaints to multiple professional regulatory bodies, the police, the Human Rights Commission, other tribunals, and other entities.

[24] This suggests the Applicant is able to, and does, prioritize other matters. Prioritizing other matters does not mean that a person is unable to meet a deadline, rather it points primarily to choices being made by the Applicant about what they will or will not do.

[25] During the time the Applicant indicated an inability to turn their time and attention to this review, the Applicant:

- advised our office that they would not be opening our emails and would instead be focusing on a separate tribunal matter;
- prepared a lengthy (21-page) cease-and-desist notice for us and others entitled “Cease and Desist Discriminatory Practices – Harm to Dignity, Feelings and Self-Respect and Harm to Academic Career-Building as a Capital Asset”, which took the Applicant time and effort to craft and is of questionable legal significance; and
- gave us submissions five weeks earlier than an extended deadline in three different files.

[26] It is the Applicant’s choice whether to open our emails, concentrate their energy on a different tribunal matter, spend time on a cease-and-desist notice, concentrate on preparing submissions in advance of another deadline, or focus their attention on other issues. It does not mean that we will, or should, hold their reviews with our office in an undetermined abeyance while they do so, which is the effect of an open-ended time to provide submissions in a matter where they have the burden of proof.

[27] Further, we do not have any evidence that the basis for the Applicant’s request for extension in this review has any validity, or when, if ever, the stated conditions of when they say they might be in a position to make their submissions could possibly be met. For example, we do not know:

- what the Applicant means when they refer to an “effective survival management plan”;
- if an “effective survival management plan” is a medical term or simply an expression used by the Applicant;

- whether the Applicant or a physician determines what is “effective”; or
- if anyone has committed to provide an “effective survival management plan” requested by the Applicant, as the Applicant stated that they do not know if the physician they were referring to has “received the e-mails I have sent regarding the requirement of an effective survival management plan.”

[28] Our proceedings must be conducted in accordance with the principles of procedural fairness. This procedural fairness is not just for applicants, but also for public bodies. An open-ended, or indefinite, response date for any party is not fair to other parties in a review. Parties have a right to have a reasonable opportunity to present their points of view, respond to facts presented by others, and have their arguments considered. This applies to public bodies as well as applicants.

[29] I must balance the rights of the parties in a review, to ensure that all parties have an equal opportunity to respond and make their arguments. Permitting one party an indefinite time to make their submissions, particularly the party who bears the burden of proof in review, deprives the other party or parties of a reasonable opportunity to respond. I must guard against demands related to an ordinary tribunal procedure – a deadline – overwhelming the substance of the review.

[30] I must also balance the rights of parties in one review with all other parties entitled to use our services. Permitting applicants indefinite time to make submissions also affects the operation of our office. We have a backlog of files, and many demands on the resources of our office.

[31] This Applicant has already had a disproportionate level of service from our office, compared to other applicants. For example, in addition to the remarkably high volume of, often quite lengthy, emails from this Applicant over the past year, which require time and effort to read and address, focusing our resources on this Applicant rather than on other matters, this Applicant also has a disproportionate number of files with our office. Currently, there are 23 open files with our office involving this Applicant, 20 where they initiated the action and 3 where they are the respondent. If I were to permit an indefinite extension for the Applicant to make their submissions in this matter, it is foreseeable that they will also seek indefinite extensions in their other matters, while continuing to send us lengthy correspondences on other issues, which we would be required to address.

[32] In these circumstances, permitting an undefined extension would interfere with our ability to deal with not only this review, but all other matters before us, in a fair, just and

expeditious manner. I cannot allow this matter to continue indefinitely, as this would also negatively impact the parties of other matters that are before us.

CONCLUSION

- [33] I find that an indefinite or open-ended extension for an applicant to make submissions on a request for review is not reasonable. Therefore, I will not indefinitely extend the Applicant's time to make their submissions in this review.
- [34] Due to the Applicant's disability assertion, I consider it reasonable to extend the Applicant's time to make their submissions. However, given that I already gave the Applicant nine weeks to make their submissions and the narrow issue on this review, I consider a further two weeks to be reasonable in the circumstances.
- [35] I confirm my decision to extend the Applicant's time to make submissions in this review by two additional weeks. However, given the time it has taken to issue this written decision, I will extend the Applicant's time to make their submissions by two weeks from the date of this decision. That will provide the Applicant in excess of three months to make submissions on the very narrow issue in this review. If the Applicant provides their submissions by February 26, 2026, I will continue the review on whether Health PEI properly applied the exception to disclosure. If the Applicant does not provide their submissions by February 26, 2026, the matter will be discontinued, and we will close the file.


Denise N. Doiron
Information and Privacy Commissioner