File Processing Limits

1. Policy Statement

The IPC has the authority and responsibility to manage the processing of appeals and complaints that come before it. This includes taking measures to ensure that the processing of multiple appeals and/or complaints by the same individual does not negatively affect the rights of other parties to have their appeals and/or complaints proceed in a fair and timely manner.

2. Purpose

The purpose of this policy is to:

    (a) allow the Tribunal to manage the processing of appeals and complaints; and

    (a) to ensure all parties have fair and timely access to the Tribunal.

3. The File Processing Limit (FPL) Policy

An appellant/complainant may have up to five active files proceeding through the Tribunal at any one time. The File Processing Limit (FPL) is reached when the total number of appeals and complaints that are filed by the same individual (including an individual acting in concert with another appellant/complainant or operating under an alias) is five (5).

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

4. Processing of Files That Exceed the File Processing Limit

The Tribunal will identify any appellant/complainant who has reached the FPL.

Any appeals or complaints in excess of the FPL will be accepted for filing and opened by the Tribunal but will be placed on hold until one of the five active files is resolved. Files can be resolved by withdrawal, settlement, abandonment, dismissal, or the issuance of an order.

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The Tribunal will notify an appellant/complainant with appeals or complaints 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 Tribunal will generally process the files in the order in which they are filed with the Tribunal unless the appellant/complainant prefers the files to proceed in a different order. When one of the five active files is resolved, then the file on hold will be re-activated by the Tribunal. If the appellant/complainant has more than one file on hold, the Tribunal will ask them to indicate which file they would like to be re-activated next.

The Tribunal will identify the respondent in a file affected by the FPL policy, for example, an institution under M/FIPPA, health information custodian under PHIPA or service provider under *Part X* of the CYFSA. The Tribunal will notify the respondent that the file is on hold because the FPL policy has been applied to the appellant/complainant. The Tribunal will direct the respondent to preserve any relevant records or information until the resolution of the appeal or complaint. The Tribunal will notify the respondent once the appeal or complaint is re-activated.

Similarly, the Tribunal will notify any affected third parties in an appeal or complaint if the file is on hold because of the application of the FPL policy.

5. Changes to the File Processing Limit

The IPC reserves the discretion to review the FPL in light of changing operational circumstances.

6. Exceptions to the Application of the FPL Policy

This FPL Policy does not apply to appeals or complaints regarding deemed refusals.

Nothing in the FPL policy prevents the IPC from adjudicating whether an appeal or complaint before the Tribunal is vexatious, frivolous, or an abuse of the Tribunal's process.