



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 127-2025

Northwest School Division No. 203

October 15, 2025

Summary:

The Applicant submitted an access to information request under *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)* to the Northwest School Division No. 203 (School Division). The School Division issued a \$20,899.50 fee estimate for the Applicant's access request, which the Applicant asked the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) to review. After the review commenced, the School Division issued a revised fee estimate of \$9,479.00. The Applicant remained unsatisfied with the revised fee estimate and requested that OIPC proceed with a review of the revised fee estimate.

The Commissioner found that the revised fee estimate of \$9,479.00 issued by the School Division is not reasonable. The Commissioner recommended that: (1) within 30 days of issuance of this Report, the School Division issue a revised fee estimate, taking into consideration the factors outlined in this Report for Parts 3 and 4 of the Applicant's access request, and (2) the School Division only process the Applicant's access request upon the Applicant's payment up front of a 50% deposit of the recommended revised fee estimate.

I BACKGROUND

- [1] On May 12, 2025, the Northwest School Division No. 203 (School Division) received an access to information request from the Applicant. The email accompanying the request stated as follows:

...This request pertains to the Northwest School Division's internal handling of a litigation hold notice issued on May 5, 2025 concerning my anticipated civil litigation.

The attached request seeks access to records related to the Division's compliance—or failure to comply—with that preservation obligation. This includes internal communications, insurer correspondence, IT preservation steps, and any related directives or documentation.

- [2] The Applicant refused to pay the \$20.00 application fee and specified on the access to information request that they sought records for the timeframe “May 5, 2025 – present.” In an accompanying letter, the Applicant broke the categories of sought records into four parts and described them as follows:

1. Internal Communications

All records (emails, texts, Teams, memos, meeting notes) between May 5, 2025 and present involving:

- [Individual 1], [Individual 2], any trustee, legal counsel, or Records/IT staff That reference the May 5 litigation hold and include:¹
- Compliance or noncompliance instructions
- Delay explanations or inaction
- Acknowledgment of legal risk

2. Insurer Correspondence

All communications with NWSD's insurer or its agents referencing:

- The May 5, 2025 litigation hold
- Potential coverage issues or spoliation risk

3. Record Preservation (IT)

Logs, tickets, emails, or directives showing:

- Suspension of deletion, archiving, or purging of records for affected custodians
- Any preservation or retention action considered or taken post-May 5

4. Policy/Directive Changes

Any new or revised policy, checklist, or internal memo since May 5, 2025 relating to:

¹ The words in square brackets in this Report are amendments by OIPC to protect the identity of the Applicant and other individuals.

- Litigation hold duties, FOIP processes, or retention compliance
- **Fee Waiver:** Requested under s. 9(5) LA FOIP – public interest due to potential breaches
- **Cap:** Proceed only if cost is <\$100; otherwise notify me
- **Format:** Deliver electronically (PDF preferred)

[3] On May 21, 2025, the School Division emailed the Applicant requesting clarification pursuant to section 6(1)(b) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.² The School Division stated that “the wording of your request is not sufficiently clear, and we therefore require further clarification to confirm the search parameters of your request.” The School Division also stated, “we believe your request may be simplified in the following terms: any records pertaining to you from May 5, 2025 to May 12, 2025” and asked the Applicant to confirm, or if they wished to the parameters narrowed even further. The School Division also advised the Applicant that pursuant to section 6(4) of *LA FOIP*, “your application will only be deemed to be received once we have received the requested clarification.” The School Division added that once the request had been clarified, it would prepare a fee estimate.

[4] On May 21, 2025, the Applicant emailed to the School Division stating:

Please proceed with my request exactly as originally submitted, for the inclusive timeframe May 5, 2025 – present, without any further narrowing. For certainty, this includes:

- All reasonably available electronic metadata for each responsive record (e.g., sender, recipient, date/time sent or received, and any BCC lists);
- Internal communications involving [Individual 1], [Individual 2], any trustee, legal counsel, or Records/IT staff;
- Records reflecting NWSD’s compliance or non-compliance with the Records Preservation Notice (dated May 5, 2025) and the Addendum (dated May 16, 2025).

² [*The Local Authority Freedom of Information and Protection of Privacy Act*](#), SS 1990-91, c. L-27.1, as amended.

[5] On May 23, 2025, the School Division emailed a second letter to the Applicant, explaining that it was not attempting to “narrow or reframe” the request, but rather to clarify it as the original request was unclear. The School Division specifically inquired if the bulleted items within each part of the Applicant’s request should be read with an “and” or “and/or” joining them. The School Division indicated that this clarification was necessary to “conduct a thorough search” and that it would “utilize our IT department resources, and need to know what specific criteria you are requesting in order to run script searches.” The School Division also noted that “it will not be possible to have the results current to the date you receive said records. We therefore ask that you clarify the term ‘present’ so we can run the search with those terms.”

[6] On May 24, 2025, the Applicant responded to the School Division stating “my requests meet the particularity requirement” pursuant to section 6(1)(b) of *LA FOIP*. The Applicant further provided that:

“Present” means records created up to the date NWSD completes its search for responsive records.

>The four numbered categories in my letter of May 21 2025 – (1) internal communications, (2) insurer correspondence, (3) preservation actions, and (4) policy changes – are ****independent topical categories, not Boolean logic queries****. I request ***all*** responsive records that fall within any category during the stated date range.

[7] On May 29, 2025, the School Division responded to the Applicant stating:

Based on your response, we are interpreting your LAFOIP request dated May 12, 2025 to read as follows:

1. Internal Communications

All records (emails, texts, Teams, memos, meeting notes) between May 5, 2025 and present involving:

- [Individual 1], [Individual 2], any trustee, legal counsel, or Records/IT staff That reference the May 5 litigation hold and include:
- Compliance or noncompliance instructions;
- Delay explanations or inaction; **OR**
- Acknowledgment of legal risk.

2. Insurer Correspondence

All communications with NWSD's insurer or its agents referencing:

- The May 5, 2025 litigation hold; **OR**
- Potential coverage issues or spoliation risk.

3. Record Preservation (IT)

Logs, tickets, emails, or directives showing:

- Suspension of deletion, archiving, or purging of records for affected custodians; **OR**
- Any preservation or retention action considered or taken post-May 5

4. Policy/Directive Changes

Any new or revised policy, checklist, or internal memo since May 5, 2025 relating to:

- Litigation hold duties, FOIP processes, or retention compliance

Based on these parameters, we will begin to prepare a fee estimate.

[Emphasis in original]

- [8] On May 30, 2025, the School Division issued a \$20,899.50 fee estimate to the Applicant advising that a deposit of \$10,449.75 was required to proceed with processing the request. The School Division added that the Applicant's fee waiver request was denied, pursuant to section 8(1)(b) of *The Local Authority Freedom of Information and Protection of Privacy Regulations (LA FOIP Regulations)*.³ The School Division indicated that "in the opinion of the head, there was not sufficient evidence that payment would result in substantial financial hardship and giving access to the records is not in the public interest." The School Division also noted that "as an alternative, we would be happy to work with you to modify your request if that would help reduce or eliminate fees."

³ [*The Local Authority Freedom of Information and Protection of Privacy Regulations*](#), c. L-27.1 Reg 1 (July 1, 1993), as amended.

- [9] On June 9, 2025, the Applicant submitted a request for review to the Office of the Saskatchewan Information and Privacy Commissioner (OIPC). In an effort toward early resolution, on June 13, 2025, this office inquired if the School Division would be willing to reduce or withdraw its fee estimate. On June 16, 2025, the School Division advised that it would not consider this option. On June 17, 2025, the Applicant confirmed with OIPC, by email, that “the scope of the review is the **appropriateness of the fee estimate...**”. [Emphasis in original]
- [10] On June 18, 2025, OIPC notified both the School Division and the Applicant that it would be undertaking a review to determine if the \$20,899.50 fee estimate issued by the School Division was reasonable.
- [11] On July 16, 2025, the School Division issued a revised fee estimate to the Applicant in the amount of \$9,479.00, advising that a deposit of \$4,739.50 would be required to proceed with processing the request. The School Division noted that this revised fee estimate was based on its processing of two other of the Applicant’s requests and “upon performing the other searches, we believe our IT department may simplify this search... which primarily accounts for the reduction.” On the same date, OIPC followed up with the Applicant. The Applicant responded that they “remain unsatisfied” and noted that “the scope of this request was very specific and narrowly tailored, and I continue to believe the fee is excessive given the limited number of custodians and the focused subject matter.”
- [12] On July 16, 2025, OIPC confirmed with both the Applicant and the School Division that the review would proceed now based on the revised fee estimate in the amount of \$9,479.00. OIPC requested that the School Division explain how the revised fee estimate was calculated and demonstrate how the fee was reasonable in the circumstances.
- [13] On July 18, 2025, the School Division provided its submission to OIPC. The School Division did not state if the submission could be shared with the Applicant. On June 19, 2025, OIPC received the Applicant’s submission.

II RECORDS AT ISSUE

- [14] As this is a review to determine if the revised fee estimate issued by the School Division is reasonable, there are no records at issue.

III DISCUSSION OF THE ISSUES

1. Does OIPC have jurisdiction?

- [15] The School Division is a “local authority” pursuant to section 2(1)(f)(viii) of *LA FOIP*. As there are reviewable grounds as noted in the notice of review, OIPC has jurisdiction and is undertaking this review pursuant to PART VI of *LA FOIP*.

2. Was the fee estimate issued by the School Division reasonable?

- [16] Sections 9(1) and (2) of *LA FOIP* provide as follows:

9(1) An applicant who is given notice pursuant to clause 7(2)(a) is entitled to obtain access to the record on payment of the prescribed fee.

(2) Where the amount of fees to be paid by an applicant for access to records is greater than a prescribed amount, the head shall give the applicant a reasonable estimate of the amount, and the applicant shall not be required to pay an amount greater than the estimated amount.

- [17] Section 9(2) of *LA FOIP* requires a local authority to provide a fee estimate if the cost for providing access will be in excess of \$100 by way of section 6(1) of *LA FOIP Regulations*.

- [18] A reasonable fee estimate is one that is proportionate to the work required by the local authority to respond effectively and efficiently. A fee estimate is equitable when it is fair and even-handed and supports the principle that applicants should bear a reasonable portion of the costs to produce the records they are seeking. They should not bear costs arising from administrative inefficiencies or poor records management. When it comes to charging

fees, three types can be considered: 1) fees for searching for records; 2) fees for preparing the records for disclosure; and 3) fees for reproducing the records.⁴

[19] As previously stated in this Report, this is a review of the revised fee estimate of \$9,479.00, which will include a consideration of the three types of fees as noted directly above. The School Division calculated the revised fee estimate as follows:

...Upon performing other searches, we believe our IT department may simplify this search and perform multiple searches at one time, which primarily accounts for the reduction.

Therefore, the following revised fee estimate is provided, for the processing of your access request:

	Type of Fee	Calculation of Fees	Total Amount of Fees
1	Application Fee	\$20.00	\$20.00 (Unpaid)
2	Time required to search for records	146 hours x \$15.00/half hour	\$4,380.00
3	Time required to prepare records for disclosure	94 hours x \$15.00/half hour	\$2,820.00
4	Photocopies or computer printouts of Records	9,156 pages x \$0.25/page	\$2,289.00
5	LESS:	1 hour free x \$15.00/half hour	(\$30.00)
Total amount of fees required to process access request			\$9,479.00

...
Please be advised that we have included costs for reproduction in accordance with section 5(2) of the Regulations. If you elect to receive the records electronically, we will adjust the estimate to the actual costs of producing the records (ex. cost of a USB drive).

...
As an alternative, we would be happy to work with you to modify your request if that would help reduce or eliminate the fees.

⁴ See OIPC [Review Report 109-2025](#) at paragraph [12].

1) Fees for Searching

[20] Section 5(3) of *LA FOIP Regulations* describes the fee formula local authorities are to apply when estimating a fee for searching or preparing records. A local authority can charge \$15.00 for every 30 minutes of search and preparation time (or \$30.00 per hour) if the time will be over one hour. Section 5(3) of *LA FOIP Regulations* provides as follows:

5(3) Where time in excess of one hour is spent in searching for a record requested by an applicant or in preparing it for disclosure, a fee of \$15 for each half-hour or portion of a half-hour of that excess time is payable at the time when access is given.

[21] OIPC has previously outlined the following guidance with respect to the analysis at hand:⁵

Fees for search time consist of every half hour of manual search time required to locate and identify responsive records. For example:

- Staff time involved with searching for records.
- Examining file indices, file plans or listings of recordings either paper or electronic.
- Pulling paper files/specific paper records out of files.
- Reading through files to determine whether records are responsive.

Search time does not include:

- Time spent to copy the records.
- Time spent going from office to office or off-site storage to look for records.
- Having someone review the results of the search.

The following general standards are used to estimate search time:

- It should take an experienced employee one minute to visually scan 12 pages of paper or electronic records for responsiveness.

⁵ *Ibid*, at paragraph [18].

- It should take an experienced employee five minutes to search one regular file drawer for responsive file folders.
- It should take three minutes to search one active email account and transfer the results to a separate folder or drive.

[22] In its submission and search plan, the School Division adopted the Applicant's access request as consisting of four parts. The following table outlines how the School Division calculated the estimated fees to search for the records responsive to each part of the Applicant's request:

Part	Search Estimate/Description
1. Internal Communications Media: Emails, Teams, OneDrive, SharePoint, Office Files, Personnel Files, Texts, Call Logs, Memos, Notes; multiple searches as defined by criteria in Applicant's request Estimated Custodians: 20 individuals ([Individual A], [Individual B], 11 trustees, two legal counsel and five Records/IT staff)	7.5 hours to search records held by <u>20 individuals</u> specified by the Applicant in this part of their access request. The School Division calculated this as follows: • Email: 3 minutes per person x 20 individuals = 60 minutes • Teams: 2 minutes per person x 20 individuals = 40 minutes • OneDrive and SharePoint: 3 minutes x 20 individuals = 60 minutes • Office Files: 5 minutes per file drawer x 20 individuals = 100 minutes • Personnel File: approximately 100 pages (1 minute to scan 12 pages) = approximately 8 minutes • Texts: 3 minutes per person x 20 individuals = 60 minutes • Call logs: 3 minutes per person x 20 individuals = 60 minutes • Memos: approximately 15 memos per person x 20 individuals = 20 minutes • Notes: approximately 25 pages per person x 20 individuals = 500 pages (1 minute to scan 12 pages) = approximately 42 minutes Total time: 450 minutes or 7.5 hours x \$15/half hour = \$225
2. Insurer Correspondence	1 hour to search records held by <u>five individuals</u> stating "the school division limited the search to only five individuals who would reasonably be

Media: Emails, Teams, OneDrive, SharePoint, Texts, Call Logs; multiple searches as defined by criteria in Applicant's request Estimated Custodians: 5 individuals (CFO and senior admin staff)	expected to communicate with the insurer being the CFO and senior admin.” The School Division calculated this as follows: • Email: 3 minutes per person $5 \times 3 = 15$ minutes • Teams: 2 minutes per person $5 \times 2 = 10$ minutes • OneDrive and SharePoint $5 \times 3 = 15$ minutes • Texts: 3 minutes per person $\times 5 = 15$ minutes • Call logs: 3 minutes per person $\times 5 = 15$ minutes Total time: 70 minutes or ~1 hour $\times \\$15/\text{half hour} = \\30
3. Record Preservation (IT) 4. Policy/Directive Changes Media: Emails, Teams, OneDrive & SharePoint; multiple searches as defined by criteria in Applicant's request Estimated Custodians: 1,031 individuals (all employees)	137.5 hours to search records held by <u>all employees (1,031 individuals)</u> for parts three and four of the request. The School Division deemed it necessary to search the records of all employees as the Applicant did not specify “any particular employees to be searched” and that it “identified that all employees could be given a directive for record preservation and/or policy/directive changes.” The School Division calculated this as follows: • Email: 3 minutes per person $\times 1,031$ individuals = 3,093 minutes • Teams: 2 minutes per person $\times 1,031$ individuals = 2,062 minutes • OneDrive and SharePoint: 3 minutes per person $\times 1,031$ individuals = 3,093 minutes Total time: 8,248 minutes or ~137.5 hours $\times \\$15/\text{half hour} = \\$4,125.00$
Total	146 Hours/\$4,380.00

[23] For Parts 1 and 2, the estimated fee of \$255.00 is based on what the School Division determined to be a solid understanding of the Applicant's request. Based on the locations the School Division would need to search, the guidelines it used to calculate its time, and the number of individuals it has identified it would need to search for records, the estimated fees for searching for records responsive to Parts 1 and 2 of the request are reasonable.

- [24] Regarding Parts 3 and 4, OIPC asked the School Division to explain how it concluded it would be necessary to search all 1,031 employees for responsive records. The School Division responded as follows:

We identified that all employees could be given a directive for record preservation and/or policy/directive changes. Record retention is handled by all employees across the school division. As a rule, while there may be directives that come from the head office with respect to retention, any employee who creates a record is responsible for its retention/destruction...

...

Searching every employee's records many seem excessive and disproportionate, however, given the broad scope of the request and previous correspondence with the applicant, we felt that this was the proper approach. The applicant made it clear to us not to narrow our search after we tried to get clarification of what [they were] seeking...

We applied judgement to balance completeness without narrowing the search. We further tried to keep an open mind and act in good faith with what the applicant was asking for. We attempted to work with the applicant to clarify [their] request, and offered to work with [them] to narrow the request to reduce fees, but the applicant was unwilling to make any changes to the wording of [their] original request.

- [25] OIPC further inquired if the School Division considered focussing the search on specific employees that may be central to the activities outlined in Parts 3 and 4 of the Applicant's request (e.g., records retention and disposal, *LA FOIP* process, etc.). The School Division outlined examples of different employees that may be responsible for the retention and destruction of various records but noted that all employees "take part in some form of records retention, although it would be inappropriate for certain documents to be destroyed by employees who are unauthorized to do so....". It also noted that "policy, checklists, or internal memos pertaining to retention and/or FOIP processes could therefore be communicated to, sent from, or held by any employee of the school division."

- [26] As outlined in the Background section of this Report, the Applicant stated in their May 12, 2025 email to the School Division that the access request "pertains to the Northwest School Division's internal handling of a litigation hold notice issued on May 5, 2025...". The Applicant further stated that the request "seeks access to records related to the Division's

compliance – or failure to comply – with that preservation obligation...”. In the Applicant’s May 21, 2025 response to the request for clarification from the School Division, the Applicant noted that the records sought included “records reflecting NWSD’s compliance or non-compliance with the Records Preservation Notice (dated May 5, 2025) and the Addendum (dated May 16, 2025).”

- [27] The Applicant provided OIPC with a copy of the May 5, 2025 records preservation notice, and the May 16, 2025 addendum to records preservation notice that was given to the School Division. A review of these documents reveals that the Applicant sent the May 5th records preservation notice to five individuals, and the May 16th addendum was sent to six individuals (five of those being the same individuals as the May 5th original notice). It may be that the School Division communicated to other staff regarding changes in policies as a result of the records preservation notice and/or addendum but it appears that the School Division actually interpreted the Applicant’s request to have a scope of *any* records related to those described in Parts 3 and 4, rather than only those records related to the records preservation notice and/or addendum.
- [28] Given that the School Division’s search plan referenced a timeframe of May 5, 2025 to June 1, 2025 and it used a 20 day period in its calculations, it would have been reasonable for its search strategy for Parts 3 and 4 of the Applicant’s access request to focus on: 1) only those employees involved in the records preservation notice and/or addendum; 2) what actions, if any, were taken in response to this matter in the 20 days since receiving the Applicant’s records preservation notice and/or addendum; and 3) the records associated with any actions taken.
- [29] It is only logical that the search strategy for Parts 3 and 4 of the Applicant’s access request should first include the six individuals who received the Applicant’s records preservation notice and/or addendum. The School Division should then consider other individuals that may have been included in determining what actions, if any, should be taken in relation to the records preservation notice and/or addendum.

- [30] The individuals outlined in Part 1 of the Applicant’s access request, may also be included in the search strategy for Parts 3 and 4. This is because in Part 1, the Applicant requested records of internal communications involving “[Individual 1], [Individual 2], any trustee, legal counsel or Records/IT staff that reference the May 5 litigation hold...”. The internal communications for Part 1 of the request included records related to “compliance or noncompliance instructions, delay explanations or inaction, acknowledgment of legal risk”. Based on these instructions from the Applicant, the School Division identified 20 individuals: Individual 1, Individual 2, 11 trustees, 2 legal counsel and 5 Records/IT staff. It is reasonable to conclude that the 20 searchable individuals from Part 1 of the Applicant’s access request also include the same people whose actions would have been involved in the preservation notice and/or addendum matters.
- [31] Of the 20 searchable individuals in the Part 1 group, two are identified by name only (Individual 1 and Individual 2). These two are also included with the six individuals noted in paragraph [29] above which refers to Parts 3 and 4 of the Applicant’s access request. This means that, for the purposes of preparing a reasonable fee estimate, only 24 individuals need to make up the searchable group. The 20 individuals from Part 1 and four individuals from Parts 3 and 4.
- [32] It is therefore reasonable and sufficient that the School Division only search the records of 24 employees for Parts 3 and 4 of the Applicant’s request, rather than the records of all 1,031 employees. The cost associated with the search for responsive records related to Parts 3 and 4 of the Applicant’s access request could then be calculated as follows:

Part	Search Estimate/Description
3. Record Preservation (IT) 4. Policy/Directive Changes	• Email: 3 minutes per person x 24 individuals = 72 minutes • Teams: 2 minutes per person x 24 individuals = 48 minutes • OneDrive and SharePoint: 3 minutes per person x 24 individuals = 72 minutes Total time: 192 minutes or 3.2 hours x \$15/half hour = \$96.00

[33] This means a reasonable fee estimate for searching for records responsive to all four parts of the request can be calculated as follows:

$$\$225.00 \text{ (Part 1)} + \$30.00 \text{ (Part 2)} + \$96.00 \text{ (Parts 3 and 4)} = \$351.00$$

[34] The School Division suggested that the search be conducted by its IT department using several key word phrases. Without a doubt, such broad searches often retrieve large numbers of records that require timely review by staff for relevance. Given the limited time period of the Applicant's request, and because only a handful of individuals need to be searched for Parts 3 and 4, the School Division may want to consider having those individuals involved conduct a search of their own files and emails. These individuals surely understand how their records are organized, so it may make more sense to have them perform the search in this instance.

2) Fees for Preparation

[35] Section 5(3) of *LA FOIP Regulations* allows for \$15.00 per half hour of preparation time (or \$30.00 per hour). Preparing a record for disclosure includes the time anticipated to be spent physically severing exemption information from the records. However, preparation time does not include time spent:⁶

- Deciding whether to claim an exemption.
- Identifying records requiring severing.
- Identifying and preparing records requiring third party notice.
- Packaging records for shipment.
- Transporting records to the mailroom or arranging for courier service.
- Time spent by a computer compiling and printing information.
- Assembling information and proofing data.
- Photocopying.

⁶ *Supra*, footnote 4 at paragraph [28].

- Preparing an index of records.

[36] OIPC observes the following guidelines for the preparation of records for disclosure:⁷

- The test related to reasonable time spent is generally that an experienced employee should take 2 minutes per page to physically sever records.
- If the above test does not reflect the circumstances (e.g., the record is complex), the local authority should test a representative sample and apply that time to the whole record.

[37] The following table outlines the School Division's estimated fees to prepare the records for disclosure:

Part	Preparation/Description
1. Internal Communications	Estimated there would be approximately 2,670 pages and approximately 30% would require redactions. • Emails: approximately 2 emails per day x 20 individuals x 20 days = 800 emails x 3 pages per email = 2400 pages • Personnel Files: approximately 50 pages in personnel files = 50 pages • Office Files: approximately 10 pages in office files x 20 individuals = 200 pages • Texts: approximately 1 text per day x 20 individuals = 20 pages • Memos: approximately 0 for this time period = 0 pages • Notes: approximately 0 pages for this time period x 20 = 0 pages Total pages = 2670 pages Redactions: approximately 30 % of 2670 pages = 801 pages x 2 minutes per page to sever = 1602 minutes or ~ 27 hours x \$15/half hour = \$810.00
2. Insurer Correspondence	Estimated that there would be approximately 300 pages and 50% would require redactions.

⁷ See OIPC [Review Report 252-2024](#) at paragraphs [50].

	• Emails: approximately 1 email per day x 5 individuals x 20 days = 100 emails x 3 pages per email = 300 pages Redactions: approximately 50% of 300 pages = 150 pages x 2 minutes per page to sever = 300 minutes or 5 hours x \$15/half hour = \$150.00
3. Record Preservation (IT)	Estimated that there would be approximately 3,093 pages and approximately 30% would require redactions. This number is based on there being approximately one email per person searched (per request) and uses the average page length of 3 pages per email. • Emails: approximately 1 email per person x 1031 individuals = 1031 emails x 3 pages = 3093 pages Redactions: approximately 30% of 3093 pages = 928 pages x 2 minutes per page to sever = 1856 minutes or ~31 hours x \$15/half hour = \$930.00
4. Policy/Directive Changes	Estimated that there would be approximately 3,093 pages (for both of these items) and approximately 30% would require redactions. This number is based on there being approximately one email per person searched (per request) and uses the average page length of 3 pages per email. • Emails: approximately 1 email per person x 1031 individuals = 1031 emails x 3 pages = 3093 pages Redactions: approximately 30% of 3093 pages = 928 pages x 2 minutes per page to sever = 1856 minutes or ~31 hours x \$15/half hour = \$930.00
Total	94 hours/\$2,820

[38] The School Division noted that it “conducted two previous searches for the applicant... in making these estimates, we drew on past LA FOIP requests of similar size and scope, using those as benchmarks for estimating total page numbers...”. The School Division also indicated it “felt like an average of 3 pages per record was a very reasonable estimate.”

This was based on the processing of other access requests from this Applicant where some records were a single page and others were hundreds of pages in length.

[39] For Parts 1 and 2, the estimated fee of \$960.00 is based on the School Division's solid understanding of the Applicant's request. The estimated fees for preparing the records for disclosure for Parts 1 and 2 of the request appear reasonable.

[40] As outlined earlier, this office concluded that it would be reasonable for the School Division to search records of 24 employees, rather than all 1,031 employees, for Parts 3 and 4 of the request. Therefore, for Parts 3 and 4 of the request, OIPC will base the calculation for preparation based on the results of 24 employees.

[41] The School Division noted that "given the vast number of employees being search, we deemed it appropriate to limit the estimate to an average one record per employee." We have already noted that it is not necessary to search all 1,031 employee records. It may very well be possible that at least some of the records for Parts 3 and 4 will already have been captured in Part 1 of the of the request. Therefore, we recommend that the School Division continue to use the estimate of one record per employee. Based on these considerations, the School Division may wish to calculate the estimated fees for preparing the records for Parts 3 and 4 as follows:

Part	Preparation Estimate/Description
3. Record Preservation (IT)	Emails: approximately 1 email per person x 24 individuals x 20 days = 24 emails x 3 pages = 72 pages Redactions: approximately 30% of 72 pages = 21.6 pages x 2 minutes per page to sever = 43.2 minutes or 0.72 hours x \$15/half hour = \$21.60
4. Policy/Directive Changes	Emails: approximately 1 email per person x 24 individuals = 24 emails x 3 pages = 72 pages Redactions: approximately 30% of 72 pages = 21.6 pages x 2 minutes per page to sever = 43.2 minutes or 0.72 hours x \$15/half hour = \$21.60

- [42] A reasonable fee estimate for preparing the records for disclosure for all four parts of the request can be calculated as follows:

$$\begin{aligned} &\$810.00 \text{ (Part 1)} + \$150.00 \text{ (Part 2)} + \$21.60 \text{ (Part 3)} + \$21.60 \text{ (Part 4)} = \\ &\$1,003.20 \end{aligned}$$

- [43] ***Total Fees for Search/Preparation:*** As outlined above, section 5(3) of *LA FOIP Regulations* provides that a fee estimate be based on an excess of one hour of searching and preparing a record. Based on the recommended estimated fees for search and preparation, less one hour, OIPC calculates the total fees for these two categories as follows:

$$\begin{aligned} &\$351.00 \text{ (search)} + \$1003.20 \text{ (preparation)} = \$1,354.20 - \$30.00 \text{ (less one hour} \\ &\text{of fees at \$15/half hour)} = \$1,324.20 \end{aligned}$$

3) ***Fees for Reproduction***

- [44] Section 5(2) of *LA FOIP Regulations* provides as follows:

5(2) Where access to a record or part of a record is given by providing the applicant with a copy of the record, the following fees are payable at the time when access is given:

(a) for a photocopy, \$0.25 per page;

- [45] In its submission, the School Division stated the fees for reproduction of records, \$2,289.00, was “based on the total number of pages that may need to be printed or photocopies and applied the \$0.25/page amount set out in the Regulations at subsection 5(2).”

- [46] However, the Applicant specifically requested the records be provided electronically, preferably in PDF format. The School Division indicated that it would be willing to adjust the estimate to the actual costs of producing the records in USB format. Since the Applicant has requested just that, it is reasonable for the School Division to adjust its fee estimate for reproduction accordingly. This will reduce the fees for reproduction of the record as the cost of a USB drive would likely be less than \$20.

Total fees

- [47] For the total fee, the reasonable fee estimate for the Applicant's request can be calculated to be \$1,344.20 (including payment of the unpaid \$20 application fee). We do not include the cost of a USB drive which the Applicant must bear. This opinion is entirely based on the wording of the Applicant's access request and that it is surely more reasonable to search the records of 24 individuals for Parts 3 and 4 of the request rather than 1,031. As such, there will be finding that the revised fee estimate of \$9,479.00 issued by the School Division is not reasonable.
- [48] There is a recommendation that, within 30 days of the issuance of this Report, the School Division issue a revised fee estimate, taking into consideration the factors outlined in this Report for Parts 3 and 4 of the Applicant's access request. There is also a recommendation that the School Division only process the access request upon the Applicant's payment up front of a 50% deposit of the recommended revised fee estimate.
- [49] In the future, in instances where the School Division concludes that a fee estimate is necessary, it should consider advising an applicant of the factors involved in its calculations. In this case, had the School Division informed the Applicant that its fee estimate was based on multiple keyword searches of the records of all 1,031 employees, the Applicant could have objected if this did not accurately reflect the scope of the requested search.

IV FINDINGS

- [50] OIPC has jurisdiction to conduct this review.
- [51] The revised fee estimate of \$9,479.00 issued by the School Division is not reasonable.

V RECOMMENDATIONS

[52] I recommend that, within 30 days of the issuance of this Report, the School Division issue a revised fee estimate, taking into consideration the factors outlined in this Report for Parts 3 and 4 of the Applicant's access request.

[53] I recommend that the School Division only process the access request upon the Applicant's payment up front of a 50% deposit of the recommended revised fee estimate.

Dated at Regina, in the Province of Saskatchewan, this 15th day of October, 2025.

Grace Hession David
Saskatchewan Information and Privacy Commissioner