



Office of the  
Saskatchewan Information  
and Privacy Commissioner

## REVIEW REPORT 165-2025

**City of Regina**

**September 30, 2025**

### **Summary:**

The Applicant submitted an access to information request to the City of Regina (City) under *The Local Authority Freedom of Information and Protection of Privacy Act*, along with a request for waiver of fees. The City provided the Applicant with its fee estimate and advised that the request for waiver of fees had been granted in part pursuant to section 8 (waiver of fees) of *The Local Authority Freedom of Information and Protection of Privacy Regulations*. The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner with respect to the refusal of the City to grant a full waiver of fees.

The Commissioner found that the City had properly exercised its discretion to not grant a full waiver of fees and recommended that the City take no further action regarding the Applicant's full fee waiver request. The Commissioner also recommended that the City continue processing the request upon the payment of the 50% deposit (\$1,194.26) by the Applicant.

### **I BACKGROUND**

[1] On May 12, 2025, the City of Regina (City) received an access to information request from the Applicant, along with the \$20 application fee, for the following records:

This request seeks full access to all records and documentation related to the City of Regina's decision to fluoridate the municipal water supply, focusing on the legal, ethical, scientific, and public health justifications for fluoridation, the history of plebiscites on fluoridation, including the failure to conduct the fifth plebiscite originally planned for the 1990's, the impact on vulnerable populations, and the consideration of alternative, non-systemic interventions, including calcium-based options.

- [2] The Applicant submitted a 25-page letter with their access to information request further describing the records they sought. On the access to information request, the Applicant selected, “I request that payment of processing fees related to this request be waived because payment will cause me substantial hardship.” In the letter the Applicant stated that “given the *public interest* nature of this request, and in line with LA FOIP’s provisions, I respectfully request a *waiver of all fees* associated with processing this request.”<sup>1</sup>
- [3] On May 14, 2025, the City emailed a letter to the Applicant acknowledging receipt of the access request and application fee. The City also requested additional details from the Applicant to clarify the request. The City noted it would require further details pursuant to section 6(3) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)* prior to processing their access request.<sup>2</sup> The City notified the Applicant that it required a response to its letter within 30 calendar days or the request would be considered abandoned pursuant to section 7.1 of *LA FOIP*.
- [4] In its letter, the City also advised that if the fee was found to apply, the City would provide the Applicant with a fee waiver application form to complete and return along with “documented evidence of inability to pay based on income, assets and expenses.” The City added that the Applicant would be required to specifically address “why using public resources to provide this information to you is in the public interest.”
- [5] On May 22, 2025, the Applicant responded to the request for clarification from the City, emailing a revised version of the 25-page letter that first accompanied the access request, which was now expanded to 28 pages in length. On May 27, 2025, the City emailed the Applicant a letter acknowledging receipt.
- [6] On June 6, 2025, the City emailed a letter to the Applicant advising that the total fee would be \$3,284.70, and that the City would waive \$100.00, leaving an amount of \$3,184.70. The

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<sup>1</sup> Emphasis in the original.

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

City stated the calculation of the estimated fees was due to the large quantity of records related to the Applicant's request. The City provided the Applicant with a fee waiver application form and stated that once it received the Applicant's documentation, it would determine the Applicant's eligibility for the public interest aspect of the fee waiver and provide a response.

- [7] On June 8, 2025, the Applicant emailed the City inquiring if they would also need to complete a form to support their position that the payment of fees would be a substantial financial hardship. On June 9, 2025, the City responded advising that this might be the case but first the City had to determine the public interest aspect of the access request. The City explained that it assessed the public aspect of a fee waivers first to ensure that it did not collect "sensitive financial information without needing to first."
- [8] On June 12, 2025, the Applicant emailed the City a completed fee waiver application form outlining how the collection and release of the records would be in the public interest pursuant to section 8(1)(b) of *The Local Authority Freedom of Information and Protection of Privacy Regulations (LA FOIP Regulations)*.<sup>3</sup>
- [9] On June 13, 2025, the City then emailed the Applicant a fee waiver application form to claim substantial financial hardship. The City asked the Applicant to complete the fee waiver application form and return it by June 14, 2025. On June 14, 2025, the Applicant inquired why they were being requested to complete this second fee waiver application form. On June 16, 2025, the City responded advising that:

We are now proceeding with the Substantial Financial Hardship part of the fee waiver, which is the next step in the process after assessing the Public Interest part of the fee waiver... We would not be moving forward with the substantial Financial Hardship part of the fee waiver if the criteria for the Public Interest part were not met...

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

[10] On June 18, 2025, the Applicant provided the City with a completed fee waiver application form indicating substantial financial hardship.

[11] On June 24, 2025, the City emailed a letter to the Applicant advising as follows:

We have reviewed the documentation submitted in support of a fee waiver and advise that your request has been approved in part pursuant to Section 8 of *The Local Authority Freedom of Information and Protection of Privacy Regulations*.

At the City's discretion, processing fees associated with the request will be reduced by 25% to \$2,388.52, not including the cost of a portable storage device (USB) at \$14.00 or print copies at \$0.25 per page. The 50% deposit required to continue processing your request is \$1,194.26.

...

Please note you can narrow the scope of the request to help reduce processing fees. A few ways to go about reducing processing fees could be:

- Adjust the timeline of the request to include a shorter time span.
- Adjust the amount of business areas you are requesting records from.
- Consider splitting the request into two or more different requests as the City provides a \$100 processing fee discount per request.

[12] On July 5, 2025, the Applicant emailed the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) requesting a review of the refusal of the City to grant a full waiver of fees. In an effort toward early resolution, on July 8, 2025, this office inquired if the City would be willing to reduce or withdraw the fee estimate. On July 10, 2025, the City advised that it would not consider this option.

[13] On July 18, 2025, OIPC notified both the City and the Applicant that a review would proceed.

[14] On September 2, 2025, OIPC received a submission from the City, that was not to be shared with the Applicant. OIPC received the Applicant's submission on July 20, 2025.

## **II RECORDS AT ISSUE**

[15] There are no records at issue since this is a review of the decision of the City not grant a full waiver of fees to the Applicant.

## **III DISCUSSION OF THE ISSUES**

### **1. Does OIPC have jurisdiction?**

[16] The City qualifies as a “local authority” pursuant to section 2(1)(f)(i) of *LA FOIP*. As there are reviewable grounds as noted in the notice of review, OIPC has jurisdiction and is undertaking a review of this matter pursuant to PART VI of *LA FOIP*.<sup>4</sup>

### **2. Has the City properly exercised its discretion in not granting a full waiver of fees?**

[17] The Applicant has requested OIPC review the decision of the City not to provide a full waiver of the estimated fees associated with their request

[18] In past reports, this office has stated that a review of a fee waiver denial considers the criteria or process used by the local authority to deny the request and whether it was consistent with *LA FOIP*. A local authority should be able to explain in detail how it arrived at its decision to deny the request for a fee waiver.<sup>5</sup>

[19] Section 9(5) of *LA FOIP* provides as follows:

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<sup>4</sup> The authority to consider the Applicant’s request for review can be found at section 38(1)(a.2) of *LA FOIP*, which provides that an applicant may apply to the Commissioner for a review where an applicant believes that all or part of the fee estimated should be waived pursuant to section 9(5) of *LA FOIP*.

<sup>5</sup> See OIPC [Review Report 328-2023](#) at paragraph [18].

**9(5)** Where a prescribed circumstance exists, the head may waive payment of all or any part of the prescribed fee.

[Emphasis added]

[20] Section 9(5) of *LA FOIP* provides that a local authority can waive payment of all or part of the fees in prescribed circumstances, as outlined at section 8 of *LA FOIP Regulations*.

[21] In its submission, the City asserted that “the applicant did not meet the requirement to justify a full fee waiver” pursuant to section 8(1)(b) of *LA FOIP Regulations*.

[22] Section 8(1)(b) of *LA FOIP Regulations* provide as follows:

**8(1)** For the purposes of subsection 9(5) of the Act, the following circumstances are prescribed as circumstances in which a head may waive payment of fees:

...

(b) with respect to the fees set out in subsection 5(2) to 5(4), if payment of the prescribed fees will cause a substantial financial hardship for the applicant and in the opinion of the head, giving access to the record is in the public interest;

[23] Section 8(1)(b) of *LA FOIP Regulations* allows a local authority to waive the payment of fees if payment would cause substantial financial hardship for an Applicant and access to the requested records is in the public interest. The statements are conjoined by the word “and” in *LA FOIP Regulations*, so both circumstances need to be met for the conditions for a fee waiver to be met.

[24] For fee waiver requests, this office discussed the importance of determining if a record would be in the public interest before collecting details of substantial financial hardship. A local authority must be careful to collect the least amount of personal information necessary. In essence, it is only logical to ask an applicant for documentation to support a claim of substantial financial hardship after a determination of real public interest.<sup>6</sup>

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<sup>6</sup> *Ibid*, at paragraphs [24] and [25].

[25] In this matter both the City and the Applicant agreed that the public interest aspect of the access request was valid. The only analysis left for this office is whether the fees would cause the Applicant substantial financial hardship. The decision of the City to provide a partial fee waiver rather than a full one will flow from this same analysis.

[26] Section 8(2) of *LA FOIP Regulations* lists the following circumstances of substantial financial hardship that allow a head to waive payment of fees:

8(2) For the purposes of clause (1)(b) substantial financial hardship includes circumstances in which the applicant:

(a) is receiving assistance pursuant to *The Saskatchewan Assistance Act*, as an individual or as part of a family unit;

(b) is receiving assistance pursuant to *The Training Allowance Regulations*;

(c) is receiving legal assistance or representation from any of the following organizations, including any of the same organizations operating from time to time under another name:

(i) The Saskatchewan Legal Aid Commission;

(ii) Pro Bono Law Saskatchewan;

(iii) Community Legal Assistance Services for Saskatoon Inner City Inc. (CLASSIC).

[27] The list of examples provided at section 8(2) of *LA FOIP Regulations* is not meant to be exhaustive. There can be other circumstances that qualify as a substantial financial hardship for an applicant. The burden of establishing substantial financial hardship is on the applicant. Local authorities should have established criteria outlined in a policy or form to assist in the determination of a waiver for the payment of fees. Finally, local authorities should collect only information that is necessary and destroy it when no longer needed.

[28] The submission from the City indicated that the Applicant had not selected any of the circumstances listed at section 8(2) of *LA FOIP Regulations*. Instead, the Applicant had provided details of their income and expenses for the City to consider.

- [29] After reviewing the Applicant's claim of substantial financial hardship, the City responded by explaining "your request has been approved in part pursuant to Section 8 of *The Local Authority Freedom of Information and Protection of Privacy Regulations*. At the City's discretion, processing fees associated with the request will be reduced by 25% to \$2,388.52."
- [30] The City concluded that granting a full fee waiver would shift an unreasonable burden of cost to the City. The extenuating circumstances outlined by the Applicant, such as "health, lack of income in the summer and debt," allowed for a partial waiver of the fee.
- [31] The City based its decision on its in-house policy entitled: *Operational Guideline: Access to Information Application of Fees*. This guideline reproduces section 8(2) of *LA FOIP Regulations* and indicates that the City will consider other circumstances "at the discretion of the Head." Not unreasonably, the City requires applicants to provide convincing documentation to establish the claim of substantial financial hardship. On its waiver form, the City lists the following as acceptable documentation to support an applicant's claim of substantial financial hardship:
- Fixed Income/Pension Statement
  - Guaranteed Income Supplement Statement
  - Employment Insurance Statement
  - Student Loan Statement
  - Employment Income Statement
  - Spousal, Child Support Statement
  - Court documents
  - Bankruptcy/Insolvency
  - Copy of Notice of Assessment
- [32] In their submission to OIPC, the Applicant included a copy of their fee waiver application to the City for their claim of substantial financial hardship. In it, they outlined their financial circumstances and it does seem that the Applicant's employment income is being supplemented by their employer disability insurance and they are still making student loan payments that constitute two of the nine items above.



[33] The City provided this office with a copy of its analysis of the Applicant's claim of substantial financial hardship, which includes:

- [The Applicant's] expenses that are considered life sustaining requirement comprise approximately 55% of [their] income.<sup>7</sup>
- [The Applicant's] **expenses that include both life sustaining requirements and those spent outside of life sustaining requirement comprise approximately 80% of [their] income.** Other expenses not included and that are not considered life sustaining include line of credit debt, student loan debt and car loan debt. [The Applicant] also notes that [they are] required to save every month to cover the summer months, during which [they are] not paid.
- No documentation was submitted to support the value of the applicant's assets. Examples include vehicle [make, model and year of Applicant's vehicle], house [the Applicant] pays a mortgage on, or other possible assets. Therefore, this information was not considered in our calculation.
- Some of the expenses that were indicated in the substantial financial hardship fee waiver submission were based on anticipated future expenses without any supporting documentation...
- No documentation was submitted indicating any Canada Child Benefit, or child support payments.

[Emphasis in original]

[34] In the fee estimate issued by the City on June 6, 2025, the City outlined that an estimated 14,202 pages of records would have to be reviewed for responsiveness and that it would take an estimated 74 hours to prepare the records for disclosure. The City also noted in its submission that "it is estimated the number of responsive records for this request is 6,116 pages and all 10 city counsellors and nine business areas would be affected." The City had originally issued a fee estimate of \$3,184.70; but later reduced this fee by 25% to \$2,388.52. In providing this fee estimate to the Applicant, the City noted it had considered the documentation submitted by the Applicant but that the Applicant's situation did not suggest the element of significant financial hardship required by *LA FOIP* for a full waiver

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<sup>7</sup> The words in square brackets are the amendments by OIPC to protect the identity of the Applicant.

of all processing fees.” In the end, the City exercised its discretion and granted a partial waiver of fees in the amount of 25%.

[35] Section 9(5) of *LA FOIP* provides a local authority with the discretion to waive all or part of a fee. This means that, *even if* the applicant proves significant financial hardship, it is still within the discretion of the local authority to refuse to waive fees. The Office of the Information and Privacy Commissioner of Alberta has advised that “a finding of financial hardship by itself does not mean that the public body must waive the fee, as it must still consider all of the circumstances and exercise its discretion.”<sup>8</sup>

[36] The Office of the Information and Privacy Commissioner for Prince Edward Island has also discussed the subject of fee waivers and substantial financial hardship:<sup>9</sup>

[30] There is always a cost associated with responding to access requests, as a public body must use staff time and other resources in doing so. When fees are not required, taxpayers cover the costs of access. The legislation recognizes that it is not the taxpayers’ responsibility to assume the costs of access for anyone who makes an access request. This is why there is a provision built into the legislation that allows public bodies to charge fees. Because, for some, a fee is a barrier to access, the legislation also permits an exception to fee requirements where an applicant has an inability to pay. But it is not sufficient for an applicant to merely assert they cannot afford to pay a fee for access in order to be excused from paying. The individual asserting that they are unable to pay a fee must provide sufficient proof of that inability to pay, so the public body can make an informed decision about whether to excuse the individual from paying all or part of the fees.

[31] When a public body decides to waive a fee, the cost of responding to that access request is paid by public funds, and the public body must be accountable to the public for the expenditure. If an applicant is requesting a public body to excuse them from paying all or part of a required fee because of impecuniosity, there is an expectation that they provide some kind of evidentiary support for their assertion, including satisfactory evidence of their financial circumstances. This is so that the public body has sufficient information upon which to formulate an opinion that the applicant cannot afford the payment being required, and so they can make an informed decision under clause 76(4)(a) of the *FOIPP Act* about whether to excuse the applicant from paying all or part of

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<sup>8</sup> Office of the Information and Privacy Commissioner of Alberta [Order F2007-16](#) at [para 14].

<sup>9</sup> PEI OIPC [Order No. OR-24-005](#) at paragraphs [30] to [42].

the fee due to inability to pay and have the taxpayers assume that cost. This goes to both the public body's accountability obligations and the principle of fairness.

...

[33] Whether fees are charged is a balance of fairness between those seeking access to information and taxpayers. It is also a balance of transparency and accountability of public bodies. Public bodies must be transparent in their actions from an information perspective, but they also have to be transparent and accountable in the way they expend their time and public funds. Charging fees for the time and effort required in responding to access to information requests is one way to carry out this balancing act.

[34] ...When access requests are more complex, or applicants are asking for records that are more extensive and require more time to search for and locate, or to process, a public body must expend more time, and therefore more taxpayers' dollars, on the effort.

[35] Such situations could be because the access request covers a large period of time, potentially responsive records are in paper format and may be stored in archives or off-site storage, the topic is extensive with a large volume of records that would need to be searched for, retrieved and processed, there are multiple employees' records or locations that must be searched, or an applicant could make numerous access requests to a public body. In such circumstances, there could be a large number of employees within a public body expending large amounts of time on a single access request or multiple access requests by a single applicant. It could be unfair for taxpayers to foot the bill for these kinds of situations.

...

[42] The Public Body is correct in stating a public body must exercise its discretion fairly and judiciously. I also agree that a fee should not be automatically waived even if a public body determines that an applicant is unable to pay a fee. Each case should be examined on its own merit and a decision made based on the circumstances of each individual case.

[Emphasis added]

[37] Charging fees for access to records strikes a balance between transparency and public accountability. A large and complex access request requires more time and resources, the costs for which are borne by the taxpayer. When local authorities receive a fee waiver request involving a large, complex access request that requires the marshalling of significant public resources, the local authority must be accountable to the public for such an expenditure. The head of a local authority bears the weight of striking a balance between

the right to access and transparency. The head of a local authority must analyze the costs associated with processing complex access requests or requests involving a large volume of records and determine the best body to bear those fees. Fees should be fair and judiciously applied.

[38] Here, the Applicant's specific and detailed access request, which was outlined in a 28-page letter, resulted in a large and complex access request for the City with accompanying larger than average fee estimates. The fee estimate issued by the City clearly outlined how it arrived at its dollar figure, which was largely the result of a massive volume of records to search, review and produce. The City stated that granting a full fee waiver would shift an unreasonable burden on to the City which, as discussed, would ultimately and unfairly, be borne by the taxpayers.

[39] The City agreed to a 25% reduction of the fee estimate, based on the extenuating circumstances as claimed by the Applicant. As previously noted in paragraph [11] of this Report, the City attempted a reasonable negotiation with the Applicant in an effort to streamline the scope of the request and to reduce the fee. All of which was rejected by the Applicant.

[40] This office cannot substitute its discretion for that of the head of a public body. In this case, there will *not* be a recommendation that the head reconsider the issue of waiver of the fee. There are several overwhelming reasons to support the decision of the City to reduce the fee by 25% and not waive it completely. The first is that the Applicant did not provide a fulsome financial submission to the City. This is supported by the fact that the complexity and size of the anticipated access request would shift an unreasonable burden of cost onto the City and the taxpayers. Finally, the City made reasonable efforts to identify alternatives and other options for the Applicant that could have further reduced the estimated fee but the Applicant refused to co-operate with the City. Going forward, the Applicant may wish to reconsider and approach the City in an effort to reduce the estimated fee as it now stands.

[41] There is a finding that the City has properly exercised its discretion to not grant a full waiver of fees and a recommendation that it take no further action regarding the Applicant's full

fee waiver request. There will be a recommendation that the City continue processing the request upon payment of the 50% deposit (\$1,194.26) by the Applicant.

#### **IV FINDINGS**

[42] OIPC has jurisdiction to conduct this review.

[43] The City has properly exercised its discretion to not grant a full waiver of fees.

#### **V RECOMMENDATIONS**

[44] I recommend that the City take no further action regarding the Applicant's full fee waiver request.

[45] I recommend that the City continue processing the request upon payment of the 50% deposit (\$1,194.26) by the Applicant.

Dated at Regina, in the Province of Saskatchewan, this 30<sup>th</sup> day of September, 2025.

Grace Hession David  
Saskatchewan Information and Privacy Commissioner