



## **REVIEW REPORT 012-2017**

### **Town of Kindersley**

**April 24, 2017**

#### **Summary:**

The Applicant submitted a request to the Town of Kindersley (the Town). The Town issued a fee estimate to the Applicant. The Applicant appealed to the Office of the Information and Privacy Commissioner (IPC). The IPC found the fees for search, preparation, and reproduction of records to be reasonable. The IPC found that the Town should not issue a fee estimate pursuant to subsection 5(4) of LA FOIP for the search and retrieval of records from active email accounts. The IPC recommended that the Town amend its fee estimate for the search of active email accounts and archived email accounts.

#### **I BACKGROUND**

[1] On December 20, 2016, the Town of Kindersley (the Town) received the following access to information request:

Copies of all Correspondence [sic], E-mail's [sic], Letters [sic], Faxes [sic], notes, applications, standard forms, memorandums or internal communications between the town of Kindersley to and from Prairie Wild Consulting in regards specifically to any communication about "population" in the town of Kindersley.

[2] In a letter dated January 16, 2017, the Town issued a fee estimate of \$3982.12 to the Applicant.

[3] On January 19, 2017, the Applicant requested a review by my office.

[4] Also on January 19, 2017, my office notified both the Applicant and the Town that it would be undertaking a review.

## **II RECORDS AT ISSUE**

[5] This review is focused on the reasonableness of the fee estimate issued by the Town. Therefore, there are no records at issue.

## **III DISCUSSION OF THE ISSUES**

[6] The Town qualifies as a “local authority” pursuant to subsection 2(f)(i) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).

### **1. Are the fees estimated by the Town reasonable?**

[7] Section 9 of LA FOIP provides that the Town can issue a fee estimate to the Applicant where the amount will exceed the prescribed fee of \$50. Fee estimates are generally judged on the basis of whether they are reasonable. The local authority bears the burden of establishing the reasonableness of the fee.

[8] There are four kinds of fees that a local authority can include in its fee estimate:

- a. Fees for searching for a responsive record;
- b. Fees for preparing the record for disclosure;
- c. Fees for the reproduction of records;
- d. Fees for retrieval of archived emails.

[9] Below, the analysis is broken down into these three kinds of fees to determine if the Town’s fee estimate is reasonable.

#### **a. Fees for searching for a responsive record**

[10] Subsections 5(3) of LA FOIP Regulations provide a local authority with the ability to recover costs associated with searching for responsive records.

[11] Where the search for responsive records exceeds one hour, the Town can charge \$15.00 for every half hour after that. Search time consists 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 records either on paper or electronic;
- pulling paper files/specific paper records out of files; and
- reading through files to determine whether records are responsive.

[12] 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; or
- having someone review the results of the search.

[13] The tests related to a reasonable search are:

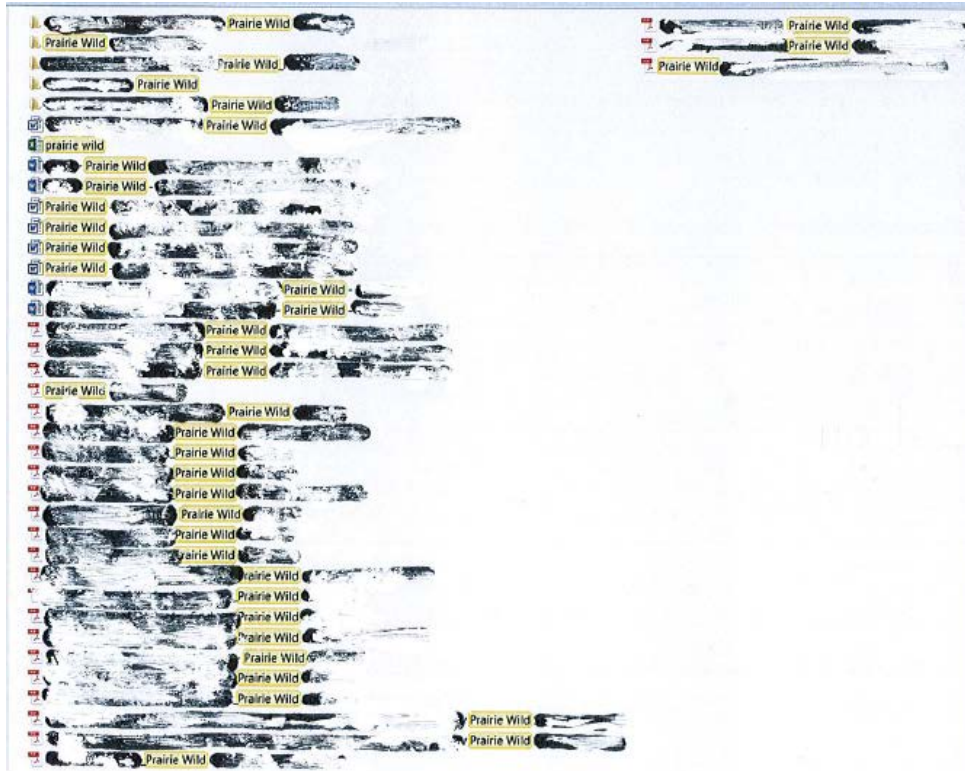
- Generally, it should take an experienced employee 1 minute to visually scan 12 pages of paper or electronic records to determine responsiveness;
- Generally, it should take an experienced employee 5 minutes to search 1 regular file drawer for responsive file folders.

[14] For its search of paper records, the Town identified the following areas that would need to be searched:

- Paper files of the Chief Administrative Officer
- Paper files of Corporate Services
- Paper files of Community Services
- Paper files of Engineering, Planning, and Development
- Paper files of Transportation and Environmental Services
- Paper files of Communication
- Paper files of Central Filing

[15] In total, the Town estimated there would be 100 pages of physical records from these seven different areas that would need to be photocopied. Based on my office's tests set out at paragraph [13], it generally takes one minute to visually scan 12 pages of records. Therefore, it would take 8.33 minutes to visually scan through the 100 pages.

[16] For its search of electronic records, the Town searched its shared-drive using the keyword “Prairie Wild Consulting”. The Town provided both the Applicant and my office with a copy of its search results, which is shown below.



[17] The screenshot shows there are five folders and 35 documents that contains the word “Prairie Wild”. For the purpose of calculating an estimate of the number of pages, the Town estimated there to be 10 documents stored within each of the five folders and that each document would have nine pages each. These numbers are conservative and reasonable. It provided the following calculation to show how it estimated the number of pages there would be stored within the five folders.

$$5 \text{ folders} \times 10 \text{ documents} \times 9 \text{ pages} = 450 \text{ pages}$$

[18] For each of the 35 documents, the Town estimated there to be nine pages. Therefore, it provided the following calculation to show how it estimated the number of pages there would be within the 35 documents:

35 documents x 9 pages = 315 pages

[19] In total, the Town is estimating there to be 765 pages that potentially have records responsive to the Applicant's request. When I consider the tests my office has set out, as described at paragraph [13], the Town would need to visually scan 2214 pages to determine if the records are responsive. At 12 pages per minute, it would take the Town 63.75 minutes.

[20] When I combine the estimated time for the paper records and the electronic records on the shared drive, it would take 72.08 minutes or 1.201 hours to visually scan through the paper and electronic records on the shared drive to determine if they are responsive or not.

[21] Before I make a finding as to whether the Town's fee estimate for search is reasonable, I need to consider the fees for preparation, reproduction, and the retrieval of electronic data.

**b. Fees for preparing the record for disclosure**

[22] In the past, my office had established that an estimate of two minutes per page to prepare the records requiring severance is reasonable. Subsection 5(3) of the LA FOIP Regulations allows the local authority to charge a fee of \$15 for each half-hour for preparing of the records, if the time is in excess of one hour.

[23] As noted earlier, the Town estimated there to be 765 pages of responsive records. 765 pages at two minutes per page to prepare is 1530 minutes or 25.5 hours.

[24] When I add 1530 minutes for preparation with the 72.08 minutes for search, I get 1602.08 minutes or 26.70 hours 53.40 half-hours. Subsection 5(3) of LA FOIP Regulations states that any time in excess of one hour should be charged at a rate of \$15 for each half-hour. Therefore, the fee estimate for search and preparation should be [(53.40 half-hours – 2 half-hours) x \$15/half-hour] = \$771.04.

[25] The Town had estimated \$315 for search and preparation. The Town's estimate is significantly less than what my office considers reasonable. I find that the Town's estimate to be reasonable.

**c. Fees for the reproduction of the records**

**i. Photocopying fees**

[26] Subsection 5(2)(a) of the LA FOIP Regulations allows for \$0.25 to be charged for each page that is photocopied.

[27] As noted earlier, the Town estimated there to be 100 pages of physical records that may be responsive. Therefore, pursuant to subsection 5(2)(a) of the LA FOIP Regulations, the estimate would be \$25 (100 pages at \$0.25/page). The Town estimated \$25.00 in its fee estimate for photocopying. I find that the Town's fee estimate for photocopying is reasonable.

**ii. Computer printout fees**

[28] Subsection 5(2)(b) of the LA FOIP Regulations allows for \$0.25 to be charged for each page that is printed.

[29] Also noted earlier, the Town estimated there to be 765 pages of records that may be stored on its shared drive. Therefore, pursuant to subsection 5(2)(b) of the LA FOIP Regulations, the estimate should be \$191.25. The Town estimated \$125.00 for computer printouts. The Town's fee estimate is significantly less than what my office considers reasonable. I find the Town's fee estimate for computer printouts to be reasonable.

**d. Fees for retrieval of emails from active archived emails**

[30] The Town had estimated it would take 20 hours for "One Time Outlook Email Setup and Configuration". Then, it estimated it would take 15 hours for "Outlook Retrieval 20 Accounts, 1 Key-Name Search". The Town's fee estimate shows it would charge \$94.99

per hour. The Town indicated that it has 69 email accounts but it determined that only 20 email accounts of pertinent staff might have responsive records. The Town advised that it consulted with an IT service provider to determine the most efficient way to search the 20 email accounts (archived and current). The IT service provider indicated that the most efficient method of searching the 20 email accounts would be to move the 20 email accounts to one system so that all email accounts could be searched in bulk.

[31] Subsection 5(4) of the LA FOIP Regulations provides as follows:

5(4) Where a search and retrieval of electronic data is required to give access to a record requested by an applicant, **a fee equal to the actual cost of the search and retrieval, including machinery and operator costs,** is payable at the time when access is given.

[emphasis added]

[32] My office's Review Report 064-2016 to 076-2016 provided that the search of active email accounts of current employees of government institutions is covered by the rate described in subsection 6(2) of *The Freedom of Information and Protection of Privacy Regulations* (FOIP Regulations). Subsection 6(2) of the FOIP Regulations is similar to the subsection 5(3) of the LA FOIP Regulations. In other words, the search of records within active email accounts of current employees is no different from the searching for electronic records as discussed earlier - a fee of \$15 for each half-hour pursuant to subsection 5(3) of the LA FOIP Regulations. Therefore, the search of active email accounts cannot be charged pursuant to subsection 5(4) of the LA FOIP Regulations.

[33] In its response to my office's draft version of this report, the Town remained in its position that active email accounts should be searched as its IT service provider had suggested as the most efficient method. It argued this position for the following reasons:

- each email account is tied to one computer station,
- Each email account will need to first searched for "Prairie Wild Consulting",
- Then the search results will need to be stored on the shared drive,
- Once on the shared drive, then they need to be visually scanned for the word "population",
- It argued that for some employees, including the Chief Administrative Officer (CAO) who receives up to 130 emails a day, this process could take anywhere from four to ten hours.

- Since it can take anywhere from four to ten hours, tying up a computer station may prevent employees from carrying on their responsibilities to the municipality since employees are reliant on computers to complete tasks.

[34] In summary, in order to ensure employees are able to continue their responsibilities to the municipality, then the Town is suggesting that the IT service provider's suggested method is the most efficient way for active email accounts to be searched while employees may continue working at their computer stations.

[35] Further, the Town also indicated that each user may organize his or her emails using folders and subfolders. The more folders and subfolders each user has, the more complex the search becomes.

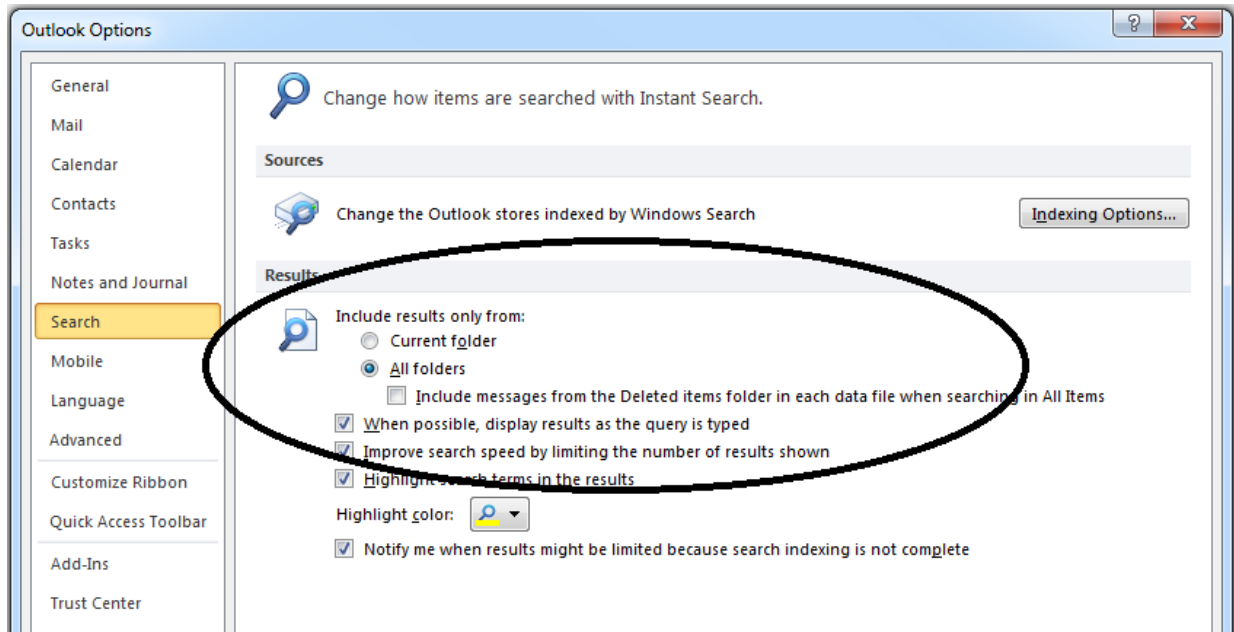
[36] I disagree with the Town for the following three reasons:

- The IT service provider has estimated 1 hour for each email account at a rate of \$94.99/hr,
- The time it takes to conduct a keyword search ("Prairie Wild Consulting") in an active email account may vary from employee to employee but a one-hour estimate appears to be excessive especially if current active email accounts go back to only July 2016 (which is when Town replaced and upgraded its server).

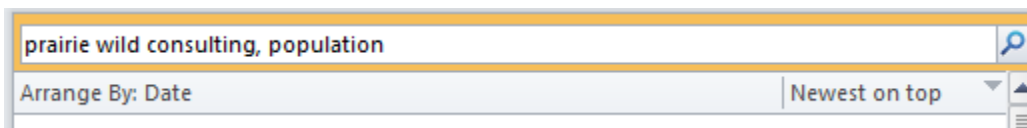
In the Office of the Information and Privacy Commissioner of Ontario's (ON IPC) Order MO-2940, the local authority estimated a search time of 8 minutes per each mailbox. The local authority then multiplied this by the number of mailboxes it needed to conduct a search (125), to determine the estimated amount of time it would take to search (1000 minutes or 16.6 hours). For its fee estimate, it determined it estimated the cost of \$498.00 (16.6 hours @\$30/hr). The ON IPC found this estimate to be reasonable.

- The Town suggested that searches through active email accounts become more and more complex based on the number of folders each employee uses to organize his or her emails. Outlook has a feature that enables a user to search all folders at once, instead of requiring an employee to click and search on each individual folder/subfolder. In Outlook Options, under "Search", a person could select "All Folders" in order to conduct a keyword search through all folders at once. A screen shot of this feature is below:





[37] Once each employee has conducted a search “Prairie Wild Consulting”, he or she should move the search results onto a shared drive (or a flash drive) that is accessible by the LA FOIP Coordinator. This will free-up the employee’s computer station and solve the issue of each computer station being occupied for a lengthy period of time while records are visually scanned for responsiveness. Alternatively, each employee can search for the terms “Prairie Wild Consulting” and “population” using search operators such as a comma (,) at once so that Outlook will search for emails containing both terms, as shown below. This will save the Town a considerable amount of time in visually scanning if the email contains the term “population”:



[38] The length of time it takes for an average employee to conduct a keyword search of “Prairie Wild Consulting” and “population” (using search operators such as a comma) in his or her Outlook account is the amount of time that should be included in the Town’s fee estimate. For ON IPC’s MO-2940, the local authority estimated 8 minutes per each mailbox.

[39] My office was of the view that 8 minutes/mailbox may be on the high side and thus my office decided to do an internal test. The longest serving employee who has many folders in her mailbox did a test and it took 3 minutes to search and move the search results to a shared drive. Other tests in the office supported that 3 minutes to search a mailbox was a reasonable estimate. My office did not find that any other Commissioner's office across Canada had adopted this rule of thumb.

[40] In an email dated March 2, 2017, the Town identified nine active email accounts to be searched. Therefore,

$$3 \text{ minutes} \times 9 \text{ active email accounts} = 27 \text{ minutes}$$

[41] I recommend the Town either calculate a fee estimate for its search of active email accounts by adopting the 3 minutes/mailbox rate or it should measure the number of minutes it takes a couple of employees to conduct a keyword search for "Prairie Wild Consulting" and "population" using search operators such as a comma in their active email accounts. If the Town decides to do the latter, then it should determine the average of the number of minutes it takes to do the keyword search. It should multiply the average number of minutes by 9 active email accounts. This should result in the estimated amount of time it would take to search active email accounts. The Town should use this estimated amount of time to calculate its fee estimate pursuant to subsection 5(3) of LA FOIP Regulations.

**e. Fees for retrieval of archived emails**

[42] My office's Review Reports 078-2016 to 091-2016 and 178-2016 had considered whether government institutions can charge applicants for the restoration of archived data. Government institutions (not local authorities) are required to manage records pursuant to *The Archives and Public Records Management Act* (APRM). Subsection 24(5)(b)(i) of APRM requires that government institutions ensure records are "usable and accessible". In other words, government institutions cannot charge fees for restoring data because they are required by the APRM to manage records in such a way that they are "usable and accessible".

[43] The Town is not a government institution and is therefore not subject to APRM. The Town is subject to *The Municipalities Act*. I note that *The Municipalities Act* does not require that records be retained in a useable and accessible manner.

[44] To understand what activities can be charged pursuant to subsection 5(4) of the LA FOIP Regulations, I look to ON MFIPPA. Section 6.1.3 of Regulation 823, the regulations for Ontario's *ON MFIPPA*, has a provision similar to subsection 5(4) of LA FOIP. Section 6.1.3 of Regulation 823 reads:

6.1 The following are the fees that shall be charged for the purposes of subsection 45 (1) of the Act for access to personal information about the individual making the request for access:

...

3. For developing a computer program or other method of producing the personal information requested from machine readable record, \$15 for each 15 minutes spent by any person.

[45] In Order MO-3136, the ON IPC upheld a fee estimate for the recovery of data stored in archived emails and backup tapes of inactive email accounts. The local authority in that case had issued the fee estimate pursuant to section 6.1.3 of Regulation 823. The ON IPC provided as follows:

...I find that the revised fee estimate of \$5700.00 is reasonable and is in accordance with the requirements of section 6.1.3. of Regulation 823...

This request, as narrowed, covers archived emails and backup tapes from inactive accounts dating back four years before the request. It is evidence that the time required to respond to it is directly related to the fact that most of the search requires retrieval of electronic records from sources that are not part of the board's current active email accounts. ...

Although there may be times (due to a particular system in use) that such a search may not be difficult, it is also not unusual for a search through archived or deleted email databases to be more complicated and time consuming than a search through current email accounts. Previous IPC decisions have recognized this and have, as long as detailed information is provided about the steps required, upheld fee estimates for similar data recovery processes as a "method of producing a record from a machine readable record."

[46] While ON IPC expects public bodies to search through both archived emails and backup tapes of inactive email accounts, at issue are only archived emails. In her report FI-08-26(M), the former Nova Scotia Review Officer asserts that a public body should be searching through archived emails but it is not expected that a public body search through back-up tapes.

There may, however, be some confusion on the part of the HRP with respect to back-up tapes and archived emails. Back-up tapes, as discussed above, are not considered responsive and need not be searched while archived emails are a responsive record and do need to be searched. The HRP's duty does extend to making a reasonable effort to retrieving archived emails; its response following this Review Report's recommendations should include a search for archived emails.

[47] In this case, my office needs to only consider archived emails, and not emails stored on back-up tapes. The reason for this is because the Town's submission advises its search is only considering archived emails. Further, the estimate issued by the IT service provider references "archived and regular accounts". It does not contemplate emails stored on back-up tapes.

[48] Similar to the decisions by the ON IPC and by the Nova Scotia Review Officer, I consider it an expectation that, if responsive records may be stored on archived emails, then the local authority should include such records as part of its fee estimate. Because of this expectation, I find it reasonable that the Town consider the cost of searching through archived emails.

[49] Furthermore, as noted by ON IPC, searching for archived emails is more complicated and time-consuming than searching through emails stored in active email accounts. Based on its submission, the Town explained that it narrowed the number of email accounts having potential records from 69 to 20. These 20 email accounts belong to "pertinent staff" who may have dealt with the company named by the Applicant in his access to information request. Based on an email dated March 2, 2017 from the Town to my office, and the Town's response to my office draft review report, active email accounts were archived ("archived active email accounts") in July 2016 when the Town replaced and upgraded its server. Then, there are inactive email accounts that are archived ("archived inactive email accounts") because these email accounts are no longer in use.

- [50] The Town has proposed that it uses its IT service provider to search its archived emails. If this is the case, then the “actual costs” estimated pursuant to subsection 5(4) of the LA FOIP Regulations should only consider the archived email accounts. Included in the actual costs is the cost of the flash drive required by the IT service provider to store email records.
- [51] Another method to searching the archived email accounts is by requesting that the authorized personnel that has access to folders containing archived emails to conduct keyword searches in those particular folders. In its letter dated April 3, 2017 to my office, the Town explained that archived emails (of active and inactive email accounts) are saved in folders that are accessible to “only a few authorized personnel”. If this is the method undertaken to search for responsive records, then the Town should be calculating the fees pursuant to subsection 5(3) of the LA FOIP Regulations as described in paragraphs [10] to [25]. The Town has the choice of using 3 minutes/archived mailbox or doing a couple of samples and taking the average time to search and store the results.
- [52] Between the two methods described in paragraphs [50] and [51], my office’s preference is that the Town use the method that results in the lower fee estimate. If the Town chooses the more expensive method, it should still only quote a fee based on the cheapest method. If there are choices in methods, the Town has the freedom to pick the method but the applicant should get the benefit of the lowest fee.
- [53] While it is an expectation of my office that a local authority search through archived emails if archived emails may contain records responsive to the Applicant’s request, I strongly encourage local authorities to integrate emails into its main filing system so that emails are records that are classified, retained and disposed of in accordance with the applicable approved retention schedule.
- [54] The Town advised my office that it archives emails when an employee resigns or changes job positions within the Town. Instead of archiving the email accounts, I suggest the Town ensure emails are filed onto its shared drive. This could be done by the employee before he or she resigns, or by a supervisor or manager after the employee leaves. This is

to ensure that current employees are still able to access emails that are relevant to their day-to-day job duties. Further, it will help the Town manage emails in accordance with its retention and disposition schedule. Finally, it can lessen the cost of retrieving archived emails when responding to access to information requests.

**5. Is the Town's fee estimate based on a reasonable search strategy?**

[55] The Town's fee estimate is based on a strategy on how the Town would conduct a search for records if the Applicant accepts the fee estimate and provides a deposit pursuant to subsection 9(4) of LA FOIP. I must determine the reasonableness of the Town's search strategy. If it is unreasonable, then the Town's fee estimate may be inflated and may be deterring the Applicant from gaining access to records.

[56] A reasonable search is one in which an employee, experienced in the subject matter, expends a reasonable effort to locate records which are reasonably related to the request. The threshold that must be met is one of "reasonableness". In other words, it is not a standard of perfection, but rather what a fair and rational person would expect to be done or consider acceptable.

[57] In its submission, the Town explained it uses the same search strategy for every access to information request it receives. It explained that its LA FOIP Coordinator would email each department head and the Chief Administrative Officer about what is being requested. Each department head is to indicate to the LA FOIP Coordinator whether or not its department would have responsive records. If not, then that department is no longer involved in the search for records. If so, then the LA FOIP Coordinator assists that department head to search for records.

[58] As noted earlier, the Town identified the following departments as possibly having responsive paper records:

1. Corporate Services,
2. Community Services,
3. Engineering, Planning, and Development,
4. Transportation and Environmental Services,

5. Communications.

- [59] In addition, it identified that the Chief Administrative Officer and its Central Filing as possibly having responsive paper records.
- [60] Further, in terms of electronic records, its search strategy included searching its shared drive for documents containing the word “Prairie Wild”.
- [61] Finally, as mentioned earlier, the Town indicated that while there are 69 email accounts, it determined that only 20 specific email accounts of pertinent staff could have potentially interacted with the company specified by the Applicant in his access to information request. Therefore, its fee estimate only contemplates these 20 email accounts, and not all 69.
- [62] I find that the Town’s search strategy to be reasonable. The Applicant’s access to information request is broad so it is expected that the Town’s fee estimate could be fairly large.

**6. Would the Town’s records management practice hinder an effective search for records?**

- [63] In Review Report 078-2016 to 091-2016, my office found that applicants should not be charged for a public body’s poor records management practice. In that Review Report, the government institution issued a fee estimate of \$100,160.00 to search transitory records. Similarly, if records are not disposed of regularly in accordance with a records retention and disposition schedule, then applicants should not be charged for the time it takes for a local authority or government institution to sift through records that should have been disposed.
- [64] Subsection 116(1) of *The Municipalities Act* requires that municipalities establish a records retention and disposition schedule. It provides:

116(1) A council shall establish a records retention and disposal schedule, and all documents of the municipality shall be dealt with in accordance with that schedule.

[65] The Town provided my office with its *Bylaw No. 03-15: A Bylaw to Establish a Records Retention and Disposal Schedule and for the Preservation of Public Documents* which was passed on January 26, 2015. This bylaw sets out the retention periods of administrative and operational records of the Town. In an email dated February 28, 2017, the Town confirmed to my office that its last records disposition, coordinated by its Director of Corporate Services, took place two years ago (which was soon after the bylaw was passed). Should the Town proceed with conducting a search for records, it is likely that its search would not be impaired by records that should have been disposed of long ago.

[66] The Town's recent disposal of records to be in line with a reasonable records management practice. In this case, I find that the timely disposition of records will help, not hinder, its search for records.

#### **7. Is the Applicant's request sufficiently specific?**

[67] The Town says the Applicant has submitted several access requests to it but that the Applicant makes little to no effort to communicate with it when it attempts to communicate with him. In previous Review Reports, my office has encouraged local authorities and government institutions to keep in close contact with Applicants in order to clarify and possibly narrow requests in order to avoid unnecessary work and increase the likelihood that the Applicant will receive the records he is seeking.

[68] In this case, and in Review Reports 010-2017, 011-2017, 013-2017, and 014-2017, I note that the Applicant has submitted very similar and broadly-worded requests. Sometimes, access requests can be so broadly worded that local authorities are unable to process the request and respond. If that's the case, then, the local authority should invite the applicant additional details that might help it identify the record he or she is seeking. The access request is deemed to be made only when the Applicant has supplied additional details and the record is identified. Subsections 6(3) and 6(4) provide as follows:



6(3) Where the head is unable to identify the record requested, the head shall advise the applicant, and shall invite the applicant to supply additional details that might lead to identification of the record.

6(4) Where additional details are invited to be supplied pursuant to subsection (3), the application is deemed to be made when the record is identified.

[69] The Applicant's requests are broadly-worded. However, it was enough information for the Town to formulate fee estimates.

[70] The danger to applicants when submitting broadly-worded requests is that they may be required to pay a large fee and they may only receive *some* information they are seeking. Local authorities are limited in their search strategies when given very little detail about the records applicants are seeking. Applicants are far more likely to receive *all* the records he or she is seeking if they provide sufficient specific detail and possibly pay a smaller fee.

[71] I find that the Applicant's request has enough information for the Town to formulate a fee estimate. However, I find that it is likely that the Applicant may not receive all the records he is seeking because his request may not contain sufficient specific detail.

[72] I recommend that the Town continue its efforts to communicate, clarify and possibly narrow access requests it receives from the Applicant. If it feels that it has not received sufficient detail to identify the record the Applicant is seeking, then I recommend it request additional details from the Applicant pursuant to subsection 6(3) of LA FOIP.

#### **IV FINDINGS**

[73] I find that the Town's fee estimate for search and preparation to be reasonable.

[74] I find that the Town's fee estimate for photocopying is reasonable.

[75] I find that the Town's fee estimate for computer printouts is reasonable.

- [76] I find that the Town should not issue a fee estimate pursuant to subsection 5(4) of the LA FOIP Regulations in this case for the search and retrieval of records from active email accounts.
- [77] I find that the Town's fee estimate is based on a reasonable search strategy.
- [78] I find that the Town's timely disposition of records will help, not hinder, its search for records.
- [79] I find that the Applicant's request has enough information for the Town to formulate a fee estimate.
- [80] I find that it is likely that the Applicant may not receive all the records he is seeking because his request may not contain sufficient specific detail.

## **V RECOMMENDATIONS**

- [81] I recommend the Town re-calculate the fee for the search of active email accounts as described in paragraph [41].
- [82] I recommend the Town re-calculate the fee for the search of inactive email accounts as described in paragraphs [50] to [52].
- [83] I recommend that the Applicant cooperate with the Town to clarify or narrow his request.
- [84] I recommend that the Town continue its efforts to communicate, clarify and possibly narrow future access requests it receives from the Applicant. If it feels that it has not received sufficient detail to identify the record the Applicant is seeking, then I recommend it request additional details from the Applicant pursuant to subsection 6(3) of LA FOIP.

Dated at Regina, in the Province of Saskatchewan, this 24th day of April, 2017.

Ronald J. Kruzeniski, Q.C.  
Saskatchewan Information and Privacy  
Commissioner