

**SASKATCHEWAN
INFORMATION AND PRIVACY COMMISSIONER**

REVIEW REPORT 124/2013

Sun Country Regional Health Authority

Summary: The Applicant submitted an access to information request to the Sun Country Regional Health Authority (SCRHA). SCRHA issued a fee estimate pursuant to section 9 of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The Applicant requested a review with the Information and Privacy Commissioner (IPC) to determine if the fee estimate was reasonable. The IPC found that the fee estimate was reasonable and recommended that fee estimate remains the same.

I BACKGROUND

- [1] In a letter dated November 5, 2013, the Applicant submitted an access to information request to Sun Country Regional Health Authority (SCRHA).
- [2] In a letter dated December 2, 2013, SCRHA provided a fee estimate to the Applicant. The fee estimate was as follows:

	Type of Fee	Calculation of Fees	Total Amount of fees
1	Time required to prepare records for disclosure (Redacted source documents)	28.5 half hours x \$15.00/half hr # pages in documents: 428 x 2 min/page = 856 mins = 14.3 hours	\$428.00
2	Photocopies of Records	428 pages x \$0.25/page	\$107.00

3	Data Analysis and verification of inclusions and exclusions in the data. (exporting of data)	Hrs x \$15.00/half hr not applicable	\$0.00
4	LESS:	1 hour free x \$15.00/half hr	(\$30.00)
Total amount of fees required to process access request			\$505.00

[3] On December 12, 2013, my office received a request from the Applicant to review the fee estimate.

II DISCUSSION OF THE ISSUES

[4] SCRHA is a local authority pursuant to subsection 2(f)(xiii) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).

1. Are the fees estimated by the Sun Country Health Region reasonable?

[5] Section 9 of LA FOIP provides SCRHA with the ability to issue a fee estimate to the Applicant where the amount will exceed the prescribed fee of \$50.

[6] 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.

[7] There are three kinds of fees that a public body can include in its fee estimate:

1. fees for searching for a responsive record;
2. fees for preparing the record for disclosure; and
3. fees for the reproduction of records.

[8] Below, the analysis is broken down into these three kinds of fees to determine if SCRHA's fee estimate is reasonable.

1. Fees for searching for a responsive record

[9] SCRHA's fee estimate did not include an estimate for search time.

2. Fees for preparing the record for disclosure

[10] 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 the records, if the time is in excess of one hour.

[11] In its submission dated February 3, 2014, SCRHA asserted that the fee estimate it sent to the Applicant was based on 428 pages. Based on what was previously established by my office, I find that preparing 428 pages at two minutes per page would take 14.27 hours. That would total \$428.10.

[12] As said earlier, subsection 5(3) of the LA FOIP Regulations states that only the time in excess of one hour can be charged. So the fee estimate for preparation should only be \$398.10. However, SCRHA accounted for the first hour to be free in its final calculations of the fee estimate (as shown in the background section). It advised my office that it had done these calculations in accordance with the fee estimate template letter that is featured on Ministry of Justice's Access and Privacy Branches website: <http://www.justice.gov.sk.ca/AP-Access>.

[13] So while SCRHA estimated \$428 for the cost of preparing may appear unreasonable, I find that SCRHA's final fee estimate for the preparation of records to be reasonable.

3. Fees for the reproduction of records.

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

[15] If SCRHA estimates that there are 428 pages of responsive records, then it can estimate 428 pages at \$0.25/page, which equals \$107.00.

[16] SCRHA's estimate was \$107.00. I find that SCRHA's fee estimate for reproduction costs was reasonable.

[17] Finally, I should note that I am merely discussing estimates of fees. Should the Applicant wish to proceed with the processing of this access request, and the estimate exceeds the actual amount of fees, the actual amount should be payable by the Applicant pursuant to subsection 6(2) of the LA FOIP Regulations.

III FINDINGS

[18] I find that the fee estimate by SCRHA for preparing the records and for reproducing the records is reasonable.

IV RECOMMENDATIONS

[19] I recommend that the fee estimate dated December 2, 2013 issued by SCRHA remain the same.

Dated at Regina, in the Province of Saskatchewan, this 3rd day of October, 2014.

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