



REVIEW REPORT 155-2016

Town of Kindersley

September 26, 2016

Summary: The Applicant submitted six separate freedom of information requests on the same day. The Town issued a fee estimate that appeared to be for all six requests. The Applicant requested that the Office of the Information and Privacy Commissioner (IPC) to review the fee estimate. The Town clarified that the fee estimate was meant for only one of the requests, and not for all six. The IPC recommended that the Town revise its procedures so that it processes each freedom of information request separately.

I BACKGROUND

- [1] On May 5, 2016, the Town of Kindersley (the Town) received the following freedom of information request:
- Agreement with EK Water Admin Board or contracts. Specifically for the amount of \$104,700 of this year.
- [2] The Applicant had submitted five other freedom of information requests to the Town. In a letter dated June 1, 2016, the Town issued a fee estimate to the Applicant for all six requests. The fee estimate amounted to \$159.75. The Applicant paid the fee estimate by cheque.
- [3] On June 15, 2016, the Applicant requested reviews by my office in her freedom of information requests, including the request that is at issue in this Review Report.

[4] In a letter dated June 16, 2016, the Town advised that the Applicant could pick up the records.

[5] The Applicant advised my office that while she is satisfied with the records she has received for this particular request, she took issue with the fees.

II RECORDS AT ISSUE

[6] The focus of this review is on the fees charged. Therefore, there are no records at issue.

III DISCUSSION OF THE ISSUES

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

1. Did the Town issue a fee estimate properly?

[8] As mentioned in the background section, the Town issued a fee estimate dated June 1, 2016. The fee estimate read as follows:

On May 4, 2016 the Town of Kindersley received from you 6 separate request for access to information pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act* (the “Act”). Your requests were as follows:

1. Billing & Consumption Breakdowns, amounts billed to citizens, who reads the amounts and who enters the data. Who send leak notices with billing?
2. Agreement with Holland's Back Wash Pond
3. Agreements/Contracts with South Saskatchewan Watershed Stewards Inc. from 2008 to current date
4. Most current agreement/contract with Flocor Inc.
5. Most current agreement/contract with Neptune Technology Inc.
6. Agreement/Contract/Cost with EK Water Administration Board; specifically, for the amount of \$104,700 of this year.

The table below sets out the Town's estimate to undertake the search for records beyond the first hour prescribed in the Act that is absorbed by the municipality:

TASK	NOTES	EST. Time (hrs.)	CHARGE PER HOUR	COST
------	-------	------------------	-----------------	------

Retrieve electronic documents stored on accessible hard-drive	6 requests	5	\$30	\$150
Printing Cost	39 @ 25 cents			\$9.75
TOTAL				\$159.75

[9] Based on the above, it would appear that the fee estimate was meant for six separate requests by the Applicant. However, in the course of my office’s review, the Town clarified that the June 1, 2016 fee estimate was only meant for one of the six requests and not for all six requests. The one request that the fee estimate was meant for is discussed in Review Report 150-2016.

[10] Therefore, the reasonableness of the fees will be analyzed in Review Report 150-2016.

[11] However, I find that the Town should not have included a description of all six freedom of information requests in its fee estimate letter dated June 1, 2016 if the fee estimate was meant for one freedom of information request.

[12] In a letter dated September 16, 2016, the Town’s legal counsel asserted that it was an inadvertent mistake to include 6 requests in the fee estimate. However, he stated there was no prejudice to the Applicant from the mistake because the Applicant was only charged the \$20 application fee for the request.

IV FINDING

[13] I find that the Town should not have included a description of all six freedom of information requests in its fee estimate letter dated June 1, 2016 if the fee estimate was meant for one freedom of information request.

V RECOMMENDATION

[14] I recommend that the Town revise its procedures so that it processes each freedom of information request separately.

Dated at Regina, in the Province of Saskatchewan, this 26th day of September, 2016.

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