

STEPS TO CHARGING FEES

The Freedom of Information and Protection of Privacy Act (FOIP) and The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP) provide for reasonable cost recovery associated with providing individuals access to records. A reasonable fee estimate is one that is proportionate to the work required on the part of the public body to respond efficiently and effectively to an applicant's request. A public body should ensure that it treats all applicants the same and is consistent when calculating fees.

After receiving an access to information request and when charging fees, follow these steps:



1. DECIDE WHETHER TO CHARGE A FEE

- Determine whether the public body has a policy for charging fees under FOIP or LA FOIP.
- If the fee will be under \$100, you do not have to create a fee estimate.



3. MAKE A SEARCH STRATEGY

- Set out steps you are going to take when doing your search.
- A search strategy could include:
 - ⇒ searching for records in multiple formats;
 - ⇒ identifying which departments to look in;
 - ⇒ identifying who will search for the records; and
 - ⇒ determine if external agents have any records.
- As an alternative, you could determine if a partial search (representative sample) would be helpful to get a better sense of how many responsive records may exist. Refer to Chapter 3, Access to Records of our [IPC Guide to FOIP](#) or [IPC Guide to LA FOIP](#).



5. PROVIDE FEE ESTIMATE TO APPLICANT

- Provide the fee estimate and ask the applicant for a 50% deposit.
- The 30 day clock (s. 7 of FOIP/LA FOIP) stops until 50% deposit is paid.
- If applicant is not satisfied with the fee estimate, they may request a review of the fee estimate (s. 49(1)(a.2) of FOIP; 38(1)(a.2) of LA FOIP).



7. SEARCH FOR RECORDS

- Clock starts again when the applicant pays the 50% deposit.
- If the search is not already done, begin according to the search strategy. It is best to document the steps you take (use a [checklist](#)).
- Again, document the time it takes to search and locate records.



9. REASSESS FEES

- Calculate the actual fees. Applicants are not required to pay any fees beyond what was originally estimated.
- Where a decision is made to withhold records, applicants should not pay a fee for records withheld.
- If the actual fee is less than the deposit, the applicant is entitled to a refund of the difference (see [FOIP/LA FOIP Regulations](#)).

2. CONTACT THE APPLICANT

- Advise applicant that fees will be charged and a fee estimate will be provided.
- Attempt to clarify or offer ways to narrow the request to reduce or eliminate fees. Follow up in writing if narrowing is agreed to.

4. PREPARE A FEE ESTIMATE

- Based on the search strategy, prepare a fee estimate (refer to our [Fee Estimate - Quick Calculation Guide](#)).
- At this stage, you do not have to perform the search but some public bodies find it more convenient to just do the search, keep track of their time and then do a fee estimate. This can result in a more accurate fee estimate. If the applicant withdraws the access request, then the actual search might be a waste of time. If the applicant narrows the request, the fee estimate may have to be revised and the search for records modified.

6. CLARIFY OR NARROW REQUEST

- At this stage it is still possible to clarify or narrow the request with the applicant. This may be a way of reducing the fee and reducing the work to process the access request.
- Discuss with the applicant providing the record electronically rather than in paper. Sometimes this can reduce the fee or the work.
- Discuss with applicant inspecting the record at your office. This might reduce work for photocopying or transferring to an electronic media.
- Follow up in writing with the applicant when narrowing is agreed to.

8. PREPARE RECORDS FOR DISCLOSURE

- After the search is complete, review records for the application of exemptions (see webinar [Modern Age Severing Made A Lot Easier](#)).
- Keep track and document the time it takes to physically sever exempt information from records.

10. ISSUE SECTION 7 RESPONSE

- Issue the final section 7 response indicating the records are available upon payment of the balance of the fee.
- Keep track and document the time it takes to physically sever exempt information from records.
- Release or forward the record to the applicant.