

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. CONTACT THE APPLICANT

- Advise the Applicant that fees will be necessary.
- Attempt to clarify or offer ways to narrow the request to reduce or eliminate fees.
- Follow up in writing with the Applicant when narrowing occurs.



3. PREPARE A FEE ESTIMATE

- Based on the search strategy, prepare a fee estimate; refer to our *Quick Calculation Guide*
- Do not complete the search yet.



5. PROVIDE FEE ESTIMATE TO APPLICANT

- Provide the fee estimate and ask the Applicant for a 50% deposit.
- The 30 day clock stops until the 50% deposit is paid.
- If applicant is not satisfied with the fee estimate, he/she may request a review of the fee estimate at this time, pursuant to s. 49(1)(a.2) of FOIP/s. 38(1)(a.2) of LA FOIP.



7. SEARCH FOR / PREPARE / REPRODUCE RECORDS

- Clock starts when the Applicant pays the 50% deposit.
- Carry on with the search for, preparation of and reproduction of records.



9. ISSUE SECTION 7 RESPONSE

- Collect remainder of fees from the Applicant or refund any money owing to the Applicant.
- Issue the final section 7 response and records to the Applicant.

2. MAKE A SEARCH STRATEGY



- Develop a search strategy and document everything.
- A search strategy could include:
 - ⇒ searching for records in multiple formats;
 - ⇒ identifying which departments to look in;
 - ⇒ identifying who will search for the records;
 - ⇒ determine if external agents have any records.
- Refer to our *IPC Guide to Exemptions* for more details.

4. DECIDE WHETHER TO CHARGE A FEE



- If the fee will be greater than \$100, a fee estimate is required; refer to the public body's policy on fees.
- Consider whether or not the Applicant requested a fee waiver.

6. CLARIFY / NARROW REQUEST WITH APPLICANT



- If the Applicant initiates it, clarify or narrow the request with the Applicant
- Follow up in writing with the Applicant when narrowing occurs.

8. REASSESS FEES



- Applicants are not required to pay any fees beyond what was originally estimated by the public body. If the actual fee ends up being less, the public body should refund the applicant accordingly (see s. 7(2)/6(2) of FOIP/LA FOIP Regulations).
- Where a decision is made to withhold records, applicants should not pay a fee for records withheld. The public body should refund the applicant any deposit paid for these records (see s. 8(1), 8(2)/7(1), 7(2) of FOIP/LA FOIP Regulations).