



Information and Privacy
Commissioner/Ontario

Commissaire à l'information
et à la protection de la vie privée/Ontario

ORDER M-561

Appeal M-9500295

Regional Municipality of Peel Police Services Board



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NATURE OF THE APPEAL:

The Regional Municipality of Peel Police Services Board (the Police) received a request for access to copies of the statistical reports provided by the Police to the Office of the Information and Privacy Commissioner under section 26 of the Municipal Freedom of Information and Protection of Privacy Act (the Act) for the years 1993 and 1994. The Police located the records responsive to the request and indicated that access would be granted to them upon payment of a fee of \$3.68 to cover the cost of photocopying and postage. The requester asked that the fee be waived and the Police declined to do so. The requester appealed this decision.

A Notice of Inquiry was provided to the appellant and the Police setting out the provisions of the Act and Regulations which govern the issuance of fee waivers. Representations were received from both parties.

Section 45(4) of the Act and section 8 of Regulation 517 made under the Act set out the factors to be considered by the Police when a request for a fee waiver is made. Section 8 indicates that, in deciding whether to waive all or part of a fee, the institution must consider, where the fee is less than \$5.00, whether the amount of the fee is "too small to justify requiring payment".

In his letter of appeal, the appellant quotes at length the relevant statutory provisions. He has not, however, provided the Police or this office with any information as to why, on the facts of this appeal, a fee waiver would be justified. The Police argue that, as the appellant is a "frequent requester", they are justified in charging a fee in order to recover the cost of processing the request.

In the circumstances of this appeal, I find that the Police were entitled to charge a fee. However, following receipt of the fee waiver request, I find that the amount of the payment is too small to justify requiring payment. Accordingly, it would be fair and equitable within the meaning of section 45(4) for the Police to waive the fee.

As a general rule, where an institution receives a request for a fee waiver of a small payment, it must carefully weigh the administrative expense incurred in refusing such a request against the value of collecting the payment.

ORDER:

1. I order the Police to waive the fee in this appeal and disclose the requested records to the appellant within fifteen (15) days of the date of this order.
2. In order to verify compliance with this order, I reserve the right to require the Police to provide me with a copy of the records which are disclosed to the appellant pursuant to Provision 1.

Original signed by: _____

Donald Hale
Inquiry Officer

July 7, 1995