



Information and Privacy  
Commissioner/Ontario  
Commissaire à l'information  
et à la protection de la vie privée/Ontario

# ORDER P-1432

Appeal P\_9700111

Northern Ontario Heritage Fund Corporation



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## **NATURE OF THE APPEAL:**

The appellant, a news organization, submitted a request under the Freedom of Information and Protection of Privacy Act (the Act) to the Northern Ontario Heritage Fund Corporation (the Corporation). The Corporation is listed as an institution under the Act in the Schedule to Regulation 460 of the Revised Regulations of Ontario (the Regulation). For the purposes of the Act, the "head" of the Corporation is the Minister of Northern Development and Mines.

The Corporation responded with an interim access decision and fee estimate. The appellant appealed the fee estimate. During mediation, the parts of the request at issue were narrowed to Parts B and D, which were for access to the following:

Part B: - minutes of meetings of the Corporation's Board of Directors since January 1, 1995;

Part D: - total number of applications for assistance received since the fund began operating;

- total number of full-time jobs created as a result of fund assistance since the fund began operating;
- total amount of financial assistance paid out by the fund since it began operating;
- combined total amount of grants and forgivable loans paid out by the fund since it began operating;
- total number of projects which have received financial assistance from the fund since it began operating.

After the appeal was filed, some of the issues were clarified by the parties. The Corporation then issued a revised fee estimate. The parts of the fee estimate which are the subject of this appeal are as follows:

Part B: Search and Preparation Time:  
3 hours @ \$7.50 per 15 minutes = \$90.00

Part D: Search and Preparation Time:  
.5 hours @ \$7.50 per 15 minutes = \$15.00.

This office sent a Notice of Inquiry to the appellant and the Corporation. Only the Corporation submitted representations. However, in reaching my decision, I have also considered the comments made by the appellant in the letter of appeal.

## **DISCUSSION:**

### **FEE ESTIMATE**

I will begin this discussion by setting out the relevant provisions of the Act and the Regulation.

The charging of fees is authorized by section 57(1) of the Act, which states:

A head shall require the person who makes a request for access to a record to pay fees in the amounts prescribed by the regulations for,

- (a) the costs of every hour of manual search required to locate a record;
- (b) the costs of preparing the record for disclosure;
- (c) computer and other costs incurred in locating, retrieving, processing and copying a record;
- (d) shipping costs; and
- (e) any other costs incurred in responding to a request for access to a record.

Section 6 of the Regulation also deals with fees. It states, in part, as follows:

The following are the fees that shall be charged for the purposes of subsection 57(1) of the Act for access to a record:

3. For manually searching a record, \$7.50 for each 15 minutes spent by any person.
4. For preparing a record for disclosure, including severing a part of the record, \$7.50 for each 15 minutes spent by any person.

### **Part B of the Request**

As indicated above, the amount claimed for search and preparation time relating to Part B of the request amounts to \$90.

The Corporation indicates that the search for responsive records took 30 minutes, which included checking a meeting log, retrieving the minutes, locating the minutes for the relevant dates and re-checking the log to ensure that the correct minutes had been retrieved. As a result, 97 pages of minutes were located. In my view, a search time of 30 minutes is reasonable in the circumstances. Therefore, I uphold a fee estimate of \$15 for search time relating to Part B.

With respect to preparation time, the Corporation indicates that, due to the nature of the discussions which took place at the meetings, a considerable amount of severing would be required to remove information which falls under the mandatory exemptions in sections 21(1) and 10(1) of the Act. Previous orders of this office have allowed a fee based on two minutes per page for the preparation of records for disclosure (Orders M-782, M-811, M-858 and P-1393). Given the nature of the severing exercise in this case, I find that two minutes per page would be a reasonable basis for estimating preparation time. For 97 pages, this would amount to 3 hours and 14 minutes, which exceeds the Corporation's estimate of 2 hours and 30 minutes. Accordingly, I have concluded that the Corporation's estimate of 2 hours and 30 minutes to prepare these records for disclosure is reasonable in the circumstances. I uphold a fee estimate of \$75 for preparation of the records for disclosure.

### **Part D of the Request**

As indicated above, the amount claimed for search and preparation time relating to Part D amounts to \$15.

The Corporation explains that its database does not produce reports with all five of the requested categories of information in one record. Responsive information would have to be located and assembled for disclosure, and the Corporation estimates that this would require 30 minutes to accomplish. In view of the various types of information requested in Part D, 30 minutes is a reasonable estimate of the time that would likely be required to locate the responsive information. Therefore, I uphold a fee estimate of \$15 in relation to search time for Part D of the request.

### **Method of Storage of Records**

The appellant states in his letter of appeal that, in his view, the information requested in Parts B and D should be prepared and stored in such a manner that search and preparation time would be minimal. In Order 31, former Commissioner Sidney B. Linden considered a similar argument and stated:

While the institution's filing system may not be the most efficient, the Act does not mandate a requirement on the part of the institution to keep records in such a way as to be able to accommodate any of the myriad of ways in which a request for information might be framed.

I agree with this view. Moreover, in my view, the fees being charged in this instance are modest.

### **ORDER:**

I uphold a fee estimate of \$90 for search and preparation time in relation to Part B of the request, and \$15 for search time in relation to Part D.

Original signed by: \_\_\_\_\_  
John Higgins  
Inquiry Officer

\_\_\_\_\_ July 23, 1997