



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

ORDER M-1063

Appeal M-9700269

Regional Municipality of Waterloo



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NATURE OF THE APPEAL:

The appellant made a request to the Waterloo Regional Police Services Board (the Police) under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The request was for access to copies of all receipts submitted by members of the Police for purchase of alcoholic or non-alcoholic beverages and food for the period of June 1 to October 1, 1994. The request was transferred to the Regional Municipality of Waterloo (the Municipality), which requested that the appellant pay 50% of its estimated fee of \$290.70 before proceeding with the processing of the request. The fee estimate, which was explained in some detail in the decision letter, was broken down as follows:

Search time - 8.75 hours at \$30/hour (in addition to 2 hours at no charge)	\$262.50
Preparation time - .5 hour at \$30/hour	\$ 15.00
Photocopying - 66 pages at \$0.20/page	\$ 13.20
	\$290.70

(It should be noted that this request and decision were made prior to the amendments to the Act which resulted in the abolition of the 2 hours free search time.)

The appellant appealed the quantum of the estimated fee because he believed it to be excessive.

This office provided a Notice of Inquiry to the appellant and the Municipality. Representations were received from the Municipality only.

DISCUSSION:

FEES

As I indicated above, the decision was issued pursuant to a previous version of section 45(1), which provided for two hours of free search time. Section 45(1) of the Act and the accompanying Regulations dealing with fees were amended in February, 1996 by the Savings and Restructuring Act (Bill 26). The request and appeal in this case were initiated **before** these amendments. Therefore, the relevant provisions of section 45(1) and the accompanying Regulations for the purposes of this appeal are those which existed at the time of the request and appeal.

The charging of fees is authorized by section 45 of the Act. The pre-1996 (and applicable) version of this section states:

If no provision is made for a charge or fee under any other Act, a head shall require the person who makes a request for access to a record to pay,

- (a) a search charge for every hour of manual search required in excess of two hours 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; and
- (d) shipping costs.

Section 6 of R.R.O. 1990, Regulation 823 states, in part:

The following are the fees that shall be charged for the purposes of subsection 45(1) of the Act:

- 1. For photocopies and computer printouts, 20 cents per page.
...
- 3. For manually searching a record after two hours have been spent searching, \$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.
...

Search time

The Municipality indicates that the receipts requested by the appellant are handled in two different ways. Approximately 90% of the receipts are maintained in a petty cash system. The Municipality advises that these receipts are grouped together and are easily retrieved. The appellant was not charged for search time with respect to these records.

The Municipality states that the balance of the receipts are charged against specific cost accounts and are reimbursed by individual claims. In these cases, the receipts are intermingled with other invoices and charges posted against those accounts. Because of this, the Municipality indicates that the food and beverage receipts are not easily retrieved. The Municipality advises that in order to retrieve them, it is necessary to run a transaction detail report from an electronic database for all the relevant accounts for the period in question. Then it is necessary to review the reports line by line to locate claims likely to contain food and beverage receipts. Finally the claims must then be retrieved from a file. The Municipality indicates that the estimate was calculated in consultation with Finance Department staff who are knowledgeable about the types of records requested.

Based on the Municipality's representations, I am satisfied that the estimated search time is reasonable and in accordance with the Regulation and the Act.

Preparation time

The Municipality indicates that some of the petty cash receipts would require severing because personal information about other individuals, such as incarcerated persons being escorted by the Police, has been recorded on the receipts. The Municipality indicates further that no cost for preparation time was charged for other claim receipts as the time would be negligible. The Municipality has estimated that preparation time would comprise a 1/2-hour. In my view, this is a reasonable estimate and is calculated in accordance with the Act and Regulation.

Photocopies

The Municipality estimates that it will have 66 pages to photocopy. In this regard, the Municipality states that in order to reduce the costs of photocopying it has grouped the petty cash receipts five per page, rather than copying them individually. By doing this, the Municipality indicates that it has reduced the photocopying component of the estimate by approximately 80%.

The Regulation stipulates that the Municipality may charge \$0.20 per page to photocopy responsive records. In my view, the Municipality has calculated this amount in accordance with the Act and Regulation.

ORDER:

I uphold the Municipality's fee estimate.

Original signed by: _____
Laurel Cropley
Inquiry Officer

_____ January 15, 1998