



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

ORDER MO-2495

Appeal MA08-465

City of Vaughan



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NATURE OF THE APPEAL:

The City of Vaughan (the City) received a detailed multi-part request under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for access to information related to expenses incurred by, and reimbursed to, the City's Commissioner of Legal and Administrative Services (the Commissioner) for the years 2004 through 2008 (up to the date of the request). The information sought included 407 ETR toll charges, vehicle expenses, mileage totals, meal charges and pension benefits, and the request contained specific references to operating budget account numbers, general ledger codes, and certain City departments where the records would be found. The types of records included copies of invoices, cheques, receipts, figures contained in the Commissioner's taxation forms, "together with any and all supporting documentation."

The City sent an interim access decision to the requester, along with a fee estimate. The City claimed that the exemptions in sections 13(1) (health or safety) and 14(1) (personal privacy) of the *Act* would apply to some information in the records. The City also provided a fee estimate of \$1,297.50 based on 30 hours of search time at \$30/hour, processing 220 pages at 2 minutes per page and photocopying 900 pages at \$0.20/page.

The requester, now the appellant, appealed the fee estimate to this office (through her representative) and a mediator was appointed to try to resolve the issues. In response to the appellant's expressed concern that no detailed breakdown of the fee had been provided to her, the City provided a detailed explanation of its search for responsive records and the fee estimate. Additional information regarding the City's search was provided to the appellant in further correspondence.

The appellant also advised the mediator assigned by this office that the City had not responded to correspondence sent seeking a change in the scope of the request. This matter was addressed at a teleconference arranged by the mediator in which the appellant, the appellant's representative, the City's FOI Coordinator and the FOI Coordinator's assistant participated. Based on the revised and narrowed request (summarized in an email from the appellant to the mediator, dated April 8, 2009), the teleconference, and correspondence from this office, the City issued a revised fee estimate on May 7, 2009. The City outlined the appellant's "clarified access request" as follows:

1. 407 ETR invoices for the Commissioner ... for the years 2006 and 2007;
2. A Detailed Business Transactions Subtotal Object Account & Business Unit printout for [a specified City] account ... for 2006 and 2007 (to be prepared separately to show annual costs);
3. Invoice and cheque requisitions related to meals for the Commissioner for 2005 and 2006;
4. A Detailed Business Transactions Subtotal Object Account & Business Unit printout for [a second specified City] account ... for 2005 and 2006 (to be prepared separately to show annual totals); and

5. A Detailed Business Transactions Subtotal Object Account & Business Unit printout for [a third specified City] account ... for 2005 and 2006 (to be prepared separately to show annual totals);
6. A copy of any cheque(s) written by the Commissioner... to the City ... to reimburse personal charges made on the City's American Express card in 2005 and 2006 (if no reimbursements made, the City to state this explicitly);
7. Payments made directly by the Commissioner ... for 407 ETR charges in 2006 and 2007 (if no payments made, the City to state this explicitly); and
8. A breakdown of operating costs including gas, insurance, rental and lease charges, maintenance and repairs, and 407 ETR charges (as provided in [two other specified IPC appeals]) for the Commissioner ... for 2006 and 2007.

The City's revised fee estimate of \$285.00 contained a detailed explanation and breakdown of the following charges:

| | | |
|------------|--|--------------|
| Search | 5 hours at \$30.00/hour | \$150.00 |
| Processing | 75 pages x 2 min./page (150 min. or 2.5 hrs. x \$30/hr.) | 75.00 |
| Photocopy | 300 pages x .20 cents per pages | <u>60.00</u> |
| | | \$285.00 |

The appellant advised this office that she was appealing the City's fee estimate because she was not satisfied with the City's explanation of how it was calculated or its amount. The appellant also advised that her request to the City for a fee waiver had been denied and that she wished to add the denial of the fee waiver as an issue in the appeal.

The appellant also indicated that she wished to appeal the denial of access to the records, but was advised by the mediator that the exemptions are not at issue in this appeal because the fee estimate letter constitutes an interim decision only. The appellant also raised the issue of "compelling public interest" in the records requested.

It was not possible to resolve the appeal through mediation, and the file was transferred to the Adjudication stage of the appeal process where it was assigned to me to conduct an inquiry. I sent a Notice of Inquiry outlining the facts and issues to the City, initially, seeking its representations, which I received.

Next, I sent a modified Notice of Inquiry to the appellant, along with a complete copy of the City's representations, in order to invite the appellant's submissions on the issues. In the appellant's Notice of Inquiry, I confirmed that I would not be reviewing the issue of the public interest override in section 16 of the *Act* since it only applies to exemptions from disclosure, not the fee provisions of the *Act*. I subsequently received representations from the appellant.

DISCUSSION:

In my view, it is important to identify which of the three fee estimates provided by the City will be reviewed in this order. Regarding the three fee estimates provided to the appellant in this request, the City states:

The City of Vaughan has accommodated the appellant's requests for revised fee estimates based on narrowed access requests. The fees associated with this request have, subsequently, been reduced from \$1297.50 to \$120.00 (January 20, 2009) and \$285.50 (May 7, 2009).

The inquiry documentation provided to the parties by this office included a similar review of the background of this request to that outlined in the preceding pages of this order. Although the background included reference to the clarification of the appellant's request during mediation and the resulting May 7, 2009 revised fee estimate, the City chose to address the original fee estimate in its representations. However, the City noted that "the same methodology was applied to the preparation of the two subsequent fee estimates on January 20, 2009 and May 7, 2009." I note that the City's second revised fee estimate of May 7, 2009 outlines the application of the methodology to the clarified access request.

As the City's second revised fee estimate of \$285.50 applies to what appears to be the most recent understanding of the parties respecting the terms of the appellant's request, this is the fee estimate that will be reviewed in this order.

FEE ESTIMATE

Section 45(3) of the *Act* is mandatory and provides that the head shall give the requester a "reasonable" estimate of the fee to be charged. That section states:

The head of an institution shall, before giving access to a record, give the person requesting access a reasonable estimate of any amount that will be required to be paid under this *Act* that is over \$25.

The purpose of a fee estimate is to give the requester sufficient information to make an informed decision on whether or not to pay the fee and pursue access [Orders P-81, MO-1367, MO-1479, MO-1614, MO-1699]. The fee estimate also assists requesters to decide whether to narrow the scope of a request in order to reduce the fees [Order MO-1520-I]. In all cases, the institution must include a detailed breakdown of the fee, and a detailed statement as to how the fee was calculated [Order P-81, MO-1614].

This office may review an institution's fee and determine whether it complies with the fee provisions in the *Act* and Regulation 823.

Section 45(1) requires an institution to charge fees for certain activities undertaken to process requests under the *Act*. Section 45(1) 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.

More specific provisions regarding fees are found in sections 6, 6.1, 7 and 9 of Regulation 823. The relevant sections for this appeal read:

6. The following are the fees that shall be charged for the purposes of subsection 45(1) of the *Act* for access to a record:

1. For photocopies and computer printouts, 20 cents per page.
...
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.
...
6. The costs, including computer costs, that the institution incurs in locating, retrieving, processing and copying the record if those costs are specified in an invoice that the institution has received.

Representations

The representations provided by the City and by the appellant in this appeal are lengthy and extremely detailed. For reasons of economy, these are reproduced in summary form in the body of this decision although I have carefully considered them in their entirety.

According to the City, the fee estimate is based on three factors: first, on the experience of processing another specified appeal in which similar records for a different City commissioner were requested; second, based on a survey which it undertook of the volume of records requiring manual review; third, based on the time spent reviewing a sample of the records.

With regard to the search component of the fee under section 45(1)(a), the City provided details of the methodology used in locating responsive records and identifying pertinent information. The City's submissions respecting its search methodology includes a description of general ledger codes and supplier numbers and how these are employed by the responsible City department (the accounting section of the Financial Services Department) to identify budget allocations for the expenses of the Commissioner. The City refers to the necessity of obtaining records for previous years from off-site storage and the corresponding requirement of a manual search process to glean pertinent information from those records.

As noted previously, the City's representations refer to the breakdown of the search fee for the initial estimate. For the numbers applicable to the revised fee estimate at issue, it is necessary to refer to the City's fee estimate letter of May 7, 2009. This letter allocates 0.25 hours for staff to prepare T4 information, 0.75 hours for staff to prepare ledger printouts, order boxes from offsite storage, and retrieve supplier files from records storage boxes, and four hours to manually search through invoices in retrieved file folders. Accordingly, the City claims the five hours accorded to the search component of the fee estimate – at \$7.50 for each 15 minutes – amounts to \$150.00.

Regarding the fee for preparation of records for disclosure, the City described the process by which an estimate of the number of pages requiring severance was reached, mainly related to the responsive 407 ETR records. The City's description of the estimate contained in these representations contemplates averaging out the number of ETR bills per calendar year, the average number of pages per bill and the number of pages requiring severance, based on actual numbers for 2003 and 2004. Reference to the City's May 7, 2009 revised fee estimate demonstrates that the City had identified 15 ETR invoices as responsive to the clarified request. At an average of five pages per bill requiring severance, the 75 resulting pages at 2 minutes each amounts to 2.5 hours at \$30.00 per hour for a total of \$75.00.

As regards the component of the fee for photocopying responsive records, the City's revised fee estimate of May 7, 2009 identifies five different categories of records for a total of 329 pages, rounded down to 300 at \$0.20 per page for a total fee of \$60.00.

The appellant's representations contain an explanation of her purpose in requesting access to the information. The appellant's earlier communications with this office also suggest that I should review the fees charged for other requests she has made in order to compare the fees. The appellant provided me with copies of the representations she submitted in several other appeals

in support of the argument that the fee in this appeal is “particularly high” from a comparative perspective.

The appellant disputes the portion of the fee charged by the City for staff to prepare the T4 information, prepare ledger printouts, order boxes from storage and retrieve supplier files. Relying on Order P-105, the appellant takes the position that these functions are not appropriately incorporated into the fee.

The appellant submits that there is a more efficient means of obtaining information about the Commissioner’s 407 charges than that used in processing her request in this instance. She submits that the City could have contacted the 407 ETR directly to obtain the information by email. Furthermore, the appellant submits that the Commissioner’s assistant should reasonably maintain an annual file in order to “ensure payment was made.” The appellant’s submissions are based on her previous employment and claimed familiarity with such processes.

The appellant notes that 407 ETR entry and exit points are also at issue in another appeal. She submits that if the information is ordered disclosed in that appeal, it would affect the need to claim exemptions and charge for severing the records in this appeal. The appellant also states that the fee charged in this appeal is higher than in another identified appeal and she submits that this represents an attempt on the part of the City to deter her from filing requests.

Analysis and Findings

I have carefully reviewed and considered the representations of the appellant and the City along with the communications exchanged during earlier stages of the appeal between the parties and this office. Having done so, I find that the basis for the calculation of the fee by the City is reasonable in most respects, and I will uphold it in part for the reasons that follow.

I acknowledge that the appellant’s detailed representations allude to alternative methods of searching for, and severing, responsive records that she believes would have proven more efficient than those chosen by the City. I also acknowledge the appellant’s request that I consider and compare the fees charged by the City for separate, but similar requests. However, I note that past orders have affirmed that the *Act* does not require that records be maintained by an institution in a particular manner or in a manner most advantageous to a requester (Orders MO-1336, MO-1367 and MO-1854). Moreover, under section 45(1) and section 6 of Regulation 823, the City is *required* to charge certain amounts for certain actions carried out in processing a request under the *Act*. As for the appellant’s suggestion that I compare fees charged in other appeals, it must be noted that these ongoing appeals are currently before other adjudicators. Each appeal must be considered on its facts.

In reviewing the City’s fee estimate in this appeal, therefore, I must determine whether the City’s fee estimate is reasonable in the circumstances and is calculated in accordance with the *Act*. As the burden of proof in establishing the reasonableness of the fee estimate rests with the City, it is incumbent upon the City to provide sufficient evidence to support its calculations.

I will now review the separate components of the revised fee estimate of May 7, 2009.

Search

Under section 45(1)(a), an institution shall charge fees for the “costs of every hour of manual search required to locate a record.” I note that the appellant’s representations on this component of the fee estimate reflect the fact that the City has claimed search fees for activities described in its representations and revised fee estimate as “preparing” and “preparation.” This aspect of the City’s fee estimate stands out since such charges would appear to be more properly considered under section 45(1)(b) for preparing a record for disclosure.

The City’s fee estimate provides for a \$150.00 search component broken down into three categories, specifically: 0.25 hours for preparing T4 information; 0.75 hours for “City staff preparing ledger printouts, ordering boxes from Iron Mountain, and retrieving supplier files from records storage boxes;” and 4 hours of “manual search of invoices contained in 6 supplier files (8 file folders).” In my view, not all the tasks listed by the City in justifying its search fee can be considered a “manual search” to locate a record.

To begin, however, based on evidence provided by the City, I find that 0.25 hours for locating the relevant T4 information is an activity that properly falls under section 45(1)(a) notwithstanding the use of the word “preparing.” Further, I find that it is reasonable. Additionally, I find that the estimate of four hours for the manual search of supplier invoices is also reasonable, based on the detailed description of the efforts of staff provided to me in the City’s representations.

However, I find that the City’s claim of 0.75 hours for activities outlined as preparing ledger printouts, ordering boxes, and retrieving supplier files is not appropriate. In my view, these activities do not constitute a “manual search to locate a record” for the purpose of section 45(1)(a). For example, previous orders of this office have confirmed that ordering or retrieving records from off-site storage is not an expense an institution can charge back to an appellant unless the institution has received an invoice for those activities, in which case it can levy a fee under section 6.6 of Regulation 823 (Orders M-171 and M-1083). The City has not tendered any evidence to suggest that it was invoiced for this activity and I will not, therefore, allow the City to charge the appellant for the time spent by its staff ordering records from off-site storage.

Similarly, I am not persuaded that preparing ledger printouts and retrieving supplier files (presumably from the boxes brought in from off-site storage) amount to “manual search to locate a record” under section 45(1)(a). Accordingly, I find that the City is not entitled to charge the appellant a search fee under section 45(1)(a) for the time spent on these activities although I will consider them under section 45(1)(b) as the fee provisions of the *Act* are mandatory.

In the circumstances, I will only allow the City to claim 4.25 hours for search fees under section 45(1)(a) for a total of \$127.50, rather than \$150.00 as claimed.

Preparation

The City's fee estimate of May 7, 2009 refers to the activity of severing records, although it is described as "Processing." It is clear from the context that this task represents the activity of preparing records for disclosure to which the City has applied an estimate of \$75.00. Based on the City's representations, including the methodology it describes and the revised fee estimate letter, I am satisfied that the two and a half hours allocated for severance is reasonable.

The appellant comments that 407 ETR entry and exit points are also at issue in another appeal, and submits that if that information is ordered disclosed in the other appeal, this should affect the City's ability to charge for severing the records in this appeal. In my view, however, this argument is premature and does not assist in determining whether the fee estimate is reasonable in this appeal. In the event that the information at issue in the 407 ETR invoices is ordered disclosed in the other appeal in the future, the City would then be in a position to reconsider its fee based on the actual severances to be applied to such records, if any. The appellant may be assured that no charges for preparing records for disclosure under section 45(1)(b) may be made where no severances are actually made (see Order M-562).

I will now consider the two activities described under the City's search fee that I indicated earlier should be reviewed under section 45(1)(b). With regard to retrieving supplier files from records storage boxes, I do not accept that this activity can be charged under section 45(1)(b) as a "cost of preparing the record for disclosure," at least as that provision has been interpreted by this office. Accordingly, I will not permit the City to include this activity in its fee. Respecting the fee for "preparing of the ledger printouts," however, I note that past orders have held that the time spent by a person running reports from a computer would fall within the meaning of "preparing the record for disclosure" under section 45(1)(b) of the *Act* (Order M-1083). In the circumstances, I conclude that 0.25 hours for this activity is reasonable. Therefore, I will allow the City to charge the appellant for 0.25 hours for preparing the ledger printouts under section 45(1)(b) at the rate of \$7.50 per 15 minutes established under section 6.4 of the Regulation.

Based on my findings in this section, I will permit the City to charge a fee of 2.75 hours of preparation time under section 45(1)(b) of the *Act*, for a total of \$82.50.

Photocopying

Based on the City's representations, including the outline of the estimated photocopying requirements for records responsive to the clarified access request, I find that the City's estimate of \$60.00 is reasonable and that it is calculated in accordance with the fee provisions in the *Act* and Regulation 823. I also note that the Ministry has rounded down this fee to the benefit of the appellant.

In summary, I have varied the City's fee estimate to reflect my findings regarding the search and preparation components in order to arrive at the fee estimate of \$270.00.

I will now consider whether a fee waiver is warranted in the circumstances of this appeal.

FEE WAIVER

Section 45(4) of the *Act* requires an institution to waive fees, in whole or in part, in certain circumstances. The relevant parts of this provision state:

A head shall waive the payment of all or any part of an amount required to be paid under subsection (1) if, in the head's opinion, it is fair and equitable to do so after considering:

- (b) whether the payment will cause a financial hardship for the person requesting the record;
- (c) whether dissemination of the record will benefit public health or safety; and

The requester must first ask the institution for a fee waiver, and provide detailed information to support the request, before this office will consider whether a fee waiver should be granted. On appeal of the decision by an institution to deny a request for a fee waiver, in whole or in part, I may uphold or modify the institution's decision [Orders M-914, P-474, P-1393, PO-1953-F].

There are two parts to my review of the City's decision under section 45(4) of the *Act*. I must first determine whether the appellant has established the basis for a fee waiver under the criteria listed in subsection (4). If I find that a basis has been established, I must then determine whether it would be fair and equitable for the fee to be waived.

As stated previously, the burden of proof for establishing that its fee estimate is reasonable and is calculated in accordance with the fee provisions in the *Act* and Regulation rested with the City. In the case of my review of the request for a fee waiver, however, the burden of proof rests with the appellant.

As noted above, the appellant relies on sections 45(4)(b) and (c) of the *Act* in support of the request for a fee waiver.

Part 1 Basis for Fee Waiver: financial hardship

Under section 45(4)(b), the appellant bears the onus of establishing financial hardship. Generally, the appellant must provide details regarding his or her financial situation, including information about income, expenses, assets and liabilities [Orders M-914, P-591, P-700, P-1142, P-1365, P-1393]. The fact that the fee is large does not necessarily mean that payment of the fee will cause financial hardship [Order P-1402].

Representations

The City's representations on financial hardship as a basis for fee waiver are based on the information provided by the appellant during earlier stages of the request and appeal processes, and point to the inadequacy of the appellant's supporting documentation. The City relies on

Order PO-2514 in which Adjudicator Colin Bhattacharjee referred to the *Concise Oxford Dictionary* definition of hardship as “severe suffering or privation.” The City submits:

... [T]he City of Vaughan can believe that the fee in this appeal “may pose a financial challenge” for the appellant, but is not convinced that “paying this fee alone” would cause the appellant to “undergo severe financial suffering or privation.”

The City then provided submissions about the appellant’s financial situation based on the documents the appellant submitted, as well as its review of publicly available documents and its awareness of certain circumstances and processes involving the appellant. The City claims that it has already provided the appellant with “cost reductions” in processing her requests generally and maintains that the evidence does not support shifting the financial burden from the appellant to the City and, in turn, the taxpayer.

The appellant explained that due to concerns about confidentiality, she did not submit detailed financial documentation to the City in support of her fee waiver request. Instead, the appellant provided very detailed submissions on this particular basis for her fee waiver request directly to this office for my consideration during the adjudication stage of the appeal. As the representations containing the appellant’s financial information are considered highly confidential by the appellant, these were not shared with the City and they will not be reproduced in the body of this order. However, it may be stated that portions of these confidential representations are directed at refuting the City’s position and speculations about her financial situation.

The appellant’s submissions outline the concept of “undue hardship” in a human rights legal context (related to employee accommodation) and also describe the U.S. Military’s definition and interpretation of “hardship duty pay”. As I understand the appellant’s argument, reference to other contexts is necessary in order to illustrate that the definition of hardship in the order cited by the City (Order PO-2514) is overly broad and not appropriate to apply in this case. According to the appellant, it would not be realistic to require an appellant in this process “to prove the payment of a request would lead to this level of hardship.”

The appellant also argues that in comparison to other requests she has made, the fee to be levied for this request is disproportionately high which, in her view, justifies at least a partial fee waiver. In the appellant’s view, the City “should be striving to make information, particularly expense information” accessible to the public in an efficient and low cost manner.

Analysis and Findings

I have carefully reviewed the appellant’s evidence respecting her financial situation, including the confidential information about her family income, expenses, assets and liabilities. For the reasons that follow, I find that payment of the fee would not constitute financial hardship for the appellant as contemplated by section 45(4)(b) of the *Act*.

While I accept that the appellant's finances could be strained by payment of the \$270.00 fee for this request, I conclude based on the evidence before me that she could marshal adequate financial resources to cover the cost of the request without suffering financial hardship. Moreover, based on my review of the appellant's financial situation as provided by her, I am satisfied that this is not a case where my decision on the waiver of fees will determine her ability to obtain access to the records. Further, I note that the appellant's references to human rights and military definitions of hardship to refute the interpretation of "financial hardship" in the fee provisions in the *Act* do not assist her in establishing the financial hardship basis for a fee waiver. Accordingly, I find that there is not sufficient evidence to support a finding that payment of the fee estimate to the City would impose a financial hardship on the appellant.

Given my finding that financial hardship under section 45(4)(b) has not been established by the appellant, it is not necessary for me to consider whether it would be fair and equitable to waive the fee on this basis. However, I will now consider the appellant's claim that a waiver is warranted on the basis of benefit to public health or safety.

Part 1 Basis for Fee Waiver: public health or safety

In past orders of this office, the following factors have been found to be relevant in determining whether dissemination of a record will benefit public health or safety under section 45(4)(c):

- whether the subject matter of the record is a matter of public rather than private interest
- whether the subject matter of the record relates directly to a public health or safety issue
- whether the dissemination of the record would yield a public benefit by
 - disclosing a public health or safety concern, or
 - contributing meaningfully to the development of understanding of an important public health or safety issue
- the probability that the requester will disseminate the contents of the record [Orders P-2, P-474, PO-1953-F, PO-1962]

This office has found that dissemination of the record will benefit public health or safety under section 45(4)(c) where, for example, the records relate to:

- compliance with air and water discharge standards [Order PO-1909]
- a proposed landfill site [Order M-408]
- expansion of a landfill site [Order PO-2514]
- a certificate of approval to discharge air emissions into the natural environment at a specified location [Order PO-1688]
- environmental concerns associated with the issue of extending cottage leases in provincial parks [Order PO-1953-I]

Representations

The appellant submitted a fee waiver request initially in relation to the fee estimate of \$1279.50 provided in March 2009. In an email sent to this office following receipt of the City's May 7, 2009 revised fee estimate, the appellant submits that because "... this request is being made in the public's interest ... as such, the fee should [be] waived in ... this request."

The appellant also provided submissions related to the public interest in the information she is requesting, including an excerpt from Order MO-2174, which addresses the (unrelated) issue of whether the personal privacy exemption in section 14(2)(a) applied. The appellant states that she has reviewed information about the Commissioner's taxable benefits for 2007 and 2008 that is publicly available pursuant to the *Public Sector Salary Disclosure Act*. According to the appellant, the City

... has benefited in correcting its reporting under the *PSSDA* and general taxation guidelines from the appellant's request, yet another reason the fee should be waived as this information was clearly a matter of public interest, especially if there are penalties associated, costing taxpayers once again.

Regarding this basis for a fee waiver, the City merely states that "the subject matter of the records [is] not a matter of public health or safety."

Analysis and Findings

For the following reasons, I find that the appellant has not established that fee waiver on the basis of public health or safety is warranted under section 45(4)(c). First, I agree with the City that the subject matter of the records at issue is unrelated to public health or safety as that term is used in the fee provisions. It is well-established that the existence of a "public interest" in the records or the fact that the public has a "right to know" is not sufficient. There must also be some connection between the public interest and a public health and safety issue [Orders MO-1336, MO-2071, PO-2592 and PO-2726].

Moreover, based on my review of the appellant's representations, there is insufficient evidence to support the assertion that this is a matter of public rather than private interest. I find that there is no evidence before me to suggest that dissemination of the requested information will contribute meaningfully to the understanding of an important public health or safety issue, as no public health or safety issue has been established.

In the circumstances, I find that the appellant has not provided sufficient evidence to establish the basis for a fee waiver under section 45(4)(c). This finding is sufficient to complete my review of the basis for a fee waiver under section 45(4)(c).

As neither of the claimed grounds for fee waiver under section 45(4) have been established by the appellant, and there is no information before me to bring the waiver request within the scope of sections 45(4)(a) or (d), I will uphold the City's decision not to grant a fee waiver in this appeal.

ORDER:

1. I will allow the City to charge the appellant a fee of \$270.00 for processing this request.
2. I uphold the City's decision not to grant the appellant a fee waiver.

Original signed by: _____
Daphne Loukidelis
Adjudicator

February 12, 2010 _____