

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER PO-4743

Appeal PA24-00042

Ministry of the Solicitor General

October 15, 2025

Summary: A journalist submitted a request to the Ministry of the Solicitor General under the *Freedom of Information and Protection of Privacy Act* for "Part A" of all Community Reintegration and Discharge Planning Forms completed at a specified correctional institution for a specified time period. The ministry issued a fee estimate in the amount of \$4,342.50

In this order, the adjudicator reduces the ministry's fee estimate to \$2,171.25.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, sections 57(1)(a), 57(1)(b), and Regulation 460, section 6.

Orders Considered: Order PO-4397.

OVERVIEW:

[1] The Ministry of the Solicitor General (the ministry) received the following request from a journalist pursuant to the *Freedom of Information and Protection of Privacy Act* (the *Act*):

[Copy] of 'Part A' of all Community Reintegration And Discharge Planning Forms completed by corrections officers at the Vanier Centre for Women. I am not seeking personal information, and am fine for any such details (name, DOB) be redacted if necessary.

[2] The requester indicated that the relevant timeframe for the request was January 1, 2022 to October 23, 2023.

[3] The ministry issued an interim decision¹ and a fee estimate in the amount of \$4,342.50. The fee estimate was comprised of 50.75 hours of search time and 94 hours of preparation time, both at \$30.00 per hour. The ministry advised that it required a deposit in the amount of 50% of the fee estimate before it could continue processing the request.

[4] The requester, now the appellant, appealed the ministry's fee estimate to the Information and Privacy Commissioner of Ontario (IPC).

[5] During mediation, the appellant confirmed that while she is not seeking a fee waiver, she takes issue with the ministry's fee estimate.

[6] As mediation did not resolve the appeal, the file was transferred to the adjudication stage of the appeal process, where an adjudicator may conduct an inquiry under the *Act*.

[7] As the adjudicator assigned to the appeal, I decided to conduct an inquiry into this matter and sought and received representations from both parties.

[8] For the reasons that follow, I order the ministry to reduce its fee estimate by 50% to \$2,171.25.

DISCUSSION:

[9] The sole issue to be determined in this appeal is whether the ministry's fee estimate of \$4,342.50 should be upheld.

[10] Institutions are required to charge fees for requests for information under the *Act*. Section 57 governs fees charged by institutions to process requests.

[11] Under section 57(3), an institution must provide a fee estimate where the fee is more than \$25. The purpose of the fee estimate is to give the requester enough information to make an informed decision on whether or not to pay the fee and pursue access.² The fee estimate also helps requesters decide whether to narrow the scope of a request to reduce the fee.³

[12] The institution can require the requester to pay the fee before giving them access

¹ In its interim decision, the ministry indicated that some information in the responsive records would likely be withheld pursuant to sections 14(1)(k) (security), 14(1)(l) (facilitate commission of an unlawful act), 14(2)(d) (correctional record), and 21(1) (personal privacy) of the *Act*.

² Orders P-81, MO-1367, MO-1479, MO-1614 and MO-1699.

³ Order MO-1520-I.

to the record.⁴ If the estimate is \$100 or more, the institution may require the person to pay a deposit of 50 per cent of the estimate before it takes steps to process the request.⁵

[13] Where the fee is \$100 or more, the fee estimate can be based on either the actual work done by the institution to respond to the request, or a review of a representative sample of the records and/or the advice of an individual who is familiar with the type and content of the records.⁶

[14] In all cases, the institution must include a detailed breakdown of the fee and a detailed statement as to how the fee was calculated.⁷

[15] Section 57(1) sets out the items for which an institution is required to charge a fee:

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.

[16] More specific fee provisions are found in sections 6 and 6.1 of Regulation 460. Section 6 applies to general access requests and reads as follows:

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

- 1. For photocopies and computer printouts, 20 cents per page.
- 2. For records provided on CD-ROMs, \$10 for each CD-ROM.
- 3. For manually searching a record, \$7.50 for each 15 minutes spent by any person.

⁴ Regulation 460, section 9.

⁵ Regulation 460, section 7(1).

⁶ Order MO-1699.

⁷ Orders P-81 and MO-1614.

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

5. For developing a computer program or other method of producing a record from machine readable record, \$15 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.

[17] The IPC can review an institution's fee and can decide whether it complies with the *Act* and regulations.

Representations

The ministry's representations

[18] The ministry explains that the Vanier Centre for Women (Vanier) is a correctional institution administered by the ministry and that the Community Reintegration and Discharge Planning Forms are intake forms which determine what community reintegration supports an inmate might require.

[19] The ministry submits that it consulted the Senior Manager of the ministry's Community Reintegration Unit to produce the fee estimate. The ministry explains that Community Reintegration Unit staff are familiar with the contents of the records and how they are stored and maintained, as they deal with them on an ongoing, daily basis.

[20] The ministry submits that its fee estimate is based on its identification of 940 responsive forms, as well as its review of a representative sample of the records. Specifically, the ministry indicates that it selected and examined one sample form, and that this was sufficient as each record consists of the same form.

[21] The ministry indicates that the forms are saved in PDF format in SharePoint, a shared database. The ministry explains that it locates the records by searching the name of the correctional institution, and that once a form is located, it must be individually opened, downloaded, then saved. The ministry states that the forms cannot be downloaded in bulk.

[22] The ministry submits that each form consists of Parts A, B, and C, and that once a form is downloaded and saved, Parts B and C must be severed. The ministry submits that it would need to print the forms from SharePoint to sever them, and that all of these actions must be completed manually. The ministry states that it does not anticipate any shipping costs.

The appellant's representations

[23] The appellant states that it is her understanding that in recent years, the ministry began administering a discharge questionnaire in several jails to gather data on housing options for discharged inmates. The appellant notes that over the last five years, there has been a surge in homelessness across the country. The appellant explains that when journalists have spoken with unhoused populations and those working with unhoused populations, they have found that many from these populations were discharged directly from jail into homelessness.

[24] The appellant submits that in order to limit the amount of work that is required to collect these records, she has severely narrowed the request to cover a single institution. The appellant also submits that she has chosen a somewhat compressed timeline in consideration of the same. The appellant argues that despite these accommodations, the ministry's fee estimate is "so egregiously high" that it effectively amounts to a refusal. The appellant characterizes the circumstances as "a narrow, specific request for public information [that is] being denied through the use of inflated cost estimates".

[25] The appellant submits that while she understands that requesters are required to pay fees for every hour of manual search required to locate a record, the records at issue are relatively recent and have been digitized. The appellant indicates that in previous requests to Ontario corrections, she has been told that the requested records exist only in paper form, only to find out later that easily searchable, digital records exist.

[26] Finally, the appellant submits that this is an issue of vital public interest and public safety. The appellant explains that the forms would help quantify how often inmates are being discharged with no housing options. The appellant submits that the ministry's fee estimate contravenes the spirit and letter of the *Act*, specifically referencing the principles that "information should be available to the public" (section 1(a)(i)) and "necessary exemptions from the right of access should be limited and specific" (section 1(a)(ii)).

Analysis and findings

[27] Under section 57(1)(a), section 57(1)(b) and the regulation, the ministry is required to charge fees for access to a general record. As indicated above, where the fee is \$100 or more, the fee estimate can be based on either a review of a representative sample of the records and/or the advice of an individual who is familiar with the type and content of the records.⁸

[28] The ministry submits that its fee estimate is based on both a review of a representative sample of the records and in consultation with the Senior Manager of the Community Reintegration Unit. While I accept that the Senior Manager is an individual who is familiar with the type and contents of the requested records, I am not convinced that the ministry has provided sufficient evidence for me to uphold its fee estimate in its

⁸ Order MO-1699.

entirety.

[29] The ministry indicates that its fee estimate of \$4,342.50 is based on an estimated 50.75 hours of search time at \$30.00 per hour and an estimated 94 hours of preparation time at \$30.00 per hour. The ministry submits that it is authorized to charge these amounts under paragraphs 3 and 4, respectively, of section 6 of Regulation 460.

Section 57(1)(a) – search

[30] As previously indicated, the ministry estimates that responding to the request will require 50.75 hours of search time at \$30.00 per hour, or \$1,522.50.

[31] While I accept that the ministry has identified 940 responsive forms, I find that there is insufficient evidence for me to uphold this portion of the ministry's fee estimate in its entirety.

[32] I note that although the ministry provides general information about where the forms are kept and how to locate them, it does not provide additional detail about how the search time was calculated. The ministry submits that the 50.75 hours of estimated search time includes "location and assembly", but does not elaborate on what this means. It is also not clear whether completing the keyword search (using the name of the correctional institution in SharePoint) would yield only the 940 responsive forms, or whether it would yield the 940 responsive forms along with additional non-responsive records that would need to be removed (which could conceivably result in a longer search time). The ministry does not explain the steps that are involved in downloading and/or saving each record, or the estimated or actual amount of time involved in each action that is required to complete the search.

[33] Previous IPC orders have found that where a request is broad and involves records that are likely to be dispersed throughout an institution, and where a search generates a significant number of responsive records which require a considerable amount of work to process by a number of different staff in a number of different departments, a high search fee may apply.⁹ In these cases, these orders have found that it is the breadth or scope of the request rather than the method of calculation that results in the significant fee estimate.

[34] In Order PO-4397, which involved a request to the Ministry of Children, Community and Social Services for a list of all freedom of information requests for general records¹⁰ over a period of approximately 7.75 years, the adjudicator found that a fee estimate for manual search time in the amount of \$1,140.00 was excessive and ordered it reduced by 50%. In that case, the ministry explained that the search would be conducted by one employee using a database from which most of the requested information would be

⁹ Order MO-4415. See also, Orders MO-3502, MO-3501, PO-3375, PO-3379 and PO-3716.

¹⁰ Including the file number, a description of the request, the disposition, the decision date, and whether the records were released for each request.

extracted. The employee would then need to cross-reference each request from the database with the corresponding files on a shared drive to complete the search. The adjudicator found that although the search would generate a significant amount of information, the fee was excessive in part because the request was neither broad nor large in scope. I agree with and adopt this finding.

[35] In this case, the appellant's request is for "Part A" of all copies of one type of form that were completed at a specified correctional institution over a period of approximately one year and 10 months. Although I accept that the ministry has identified a relatively large number of responsive records, I am not satisfied that the request is broad or large in scope. In its representations, the ministry states that the forms are stored electronically in one location (SharePoint) and can be found by searching the name of the correctional institution. Based on this information, I find that the forms are not likely to be dispersed throughout the ministry. Additionally, there is no suggestion that processing the request will involve a number of different staff in a number of different departments across the ministry.

[36] For these reasons, I do not uphold the ministry's estimated 50.75 hours of search time, equalling \$1,522.50. I order the ministry to reduce this fee by 50%, resulting in a new fee of \$761.25 for search.

Section 57(1)(b) – preparation

[37] The ministry estimates that preparing the records for disclosure will require 94 hours of preparation time at \$30.00 per hour, equalling \$2,820.00. I find that there is similarly insufficient evidence for me to uphold this portion of the ministry's fee estimate in its entirety.

[38] The ministry explains that to produce the fee estimate, it consulted the Senior Manager of the Community Reintegration Unit and reviewed a representative sample of the records (one sample form). The ministry submits that as part of preparing the records for disclosure, it will need to sever Parts B and C of the form, which are not responsive to the request, from Part A of the form, which is. Although the ministry does not state this in its representations, based on the ministry's interim decision, I also understand that the ministry anticipates that it will need to withhold some information pursuant to various exemptions.

[39] The IPC has generally accepted that it takes two minutes to sever a page that requires multiple severances.¹¹ However, the ministry does not indicate what the average length of a completed form might be or how many pages would make up Part A, which may require one or more severances, versus Parts B and C, which would be severed in full. The ministry also does not provide an estimate of how much information under Part A would need to be severed, how many pages require severances, and how many pages

¹¹ Orders MO-1169, PO-1721, PO-1834 and PO-1990.

require multiple severances.

[40] Furthermore, although there may be circumstances in which a single document constitutes a representative sample, I am unable to conclude that this is the case here. Because the ministry has not explained what information might be found in a completed form, it is difficult for me to understand the extent to which the contents of one form might differ from the contents of another. Even if I were to accept that one unspecified form is representative of the 939 other forms, as the ministry suggests, I find that the ministry has failed to explain how this form was reviewed or otherwise used to facilitate their calculation of an estimated preparation time.

[41] Apart from indicating that it has identified 940 responsive forms which must be printed so that Part A can be severed from Parts B and C, the ministry does not provide any additional explanation as to how it calculated the 94 hours of preparation time. I have assumed that severances make up most or all of the 94 hours of preparation time. If there are other actions that are included in the calculated preparation time, the ministry does not discuss them in its representations.

[42] For these reasons, I similarly do not uphold the ministry's estimated 94 hours of search time, equalling \$2,820.00. I order the ministry to reduce this fee by 50%, resulting in a new fee of \$1,410.00 for preparing the records.

Conclusion

[43] Although I accept that there is a relatively large number of responsive records to which potential exemptions might apply, the ministry is responsible for demonstrating that its fee estimate is reasonable. I find that there is insufficient evidence for me to conclude that it has done so.

[44] As a result, I will order the ministry to reduce its fee by 50%, which results in a reduced fee estimate of \$2,171.25.

ORDER:

I order the ministry to reduce its fee estimate from \$4,342.50 to \$2,171.25.

Original Signed by: _____

Anda Wang
Adjudicator

October 15, 2025 _____