

# **The Freedom of Information and the Protection of Privacy Act ~ Fee Estimates ~**

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# Presentation Outline

- Overview of Access to Information
- Fees
  - Types
  - Fee Estimates
  - Fee Waivers
  - Considerations
- Resources
- Questions



# Access to Information Protection of Privacy

# Access to Information

(Part 2 of FIPPA)

## Application for Access



Please see next page for further instructions

### Applicant

Last Name

First Name

Address

Postal Code

Province

Daytime Phone

Address

Fax

### To which public body are you making your request?

([View list of public bodies](#) that may have the records you wish to access)

### What information are you requesting?

- General information
- My own personal information
- Personal information for another person (Attach proof of authority)

# Important Principles

- **Right of access**  
(personal/general information)
- **Duty to assist**

# Duty to Assist

- Assist
- Support
- Be knowledgeable
  
- Quickly
- Accurately
- Fully

# What is a Record?

A record is any information recorded or stored by any means whether in hard copy or in electronic format.

# Right of access





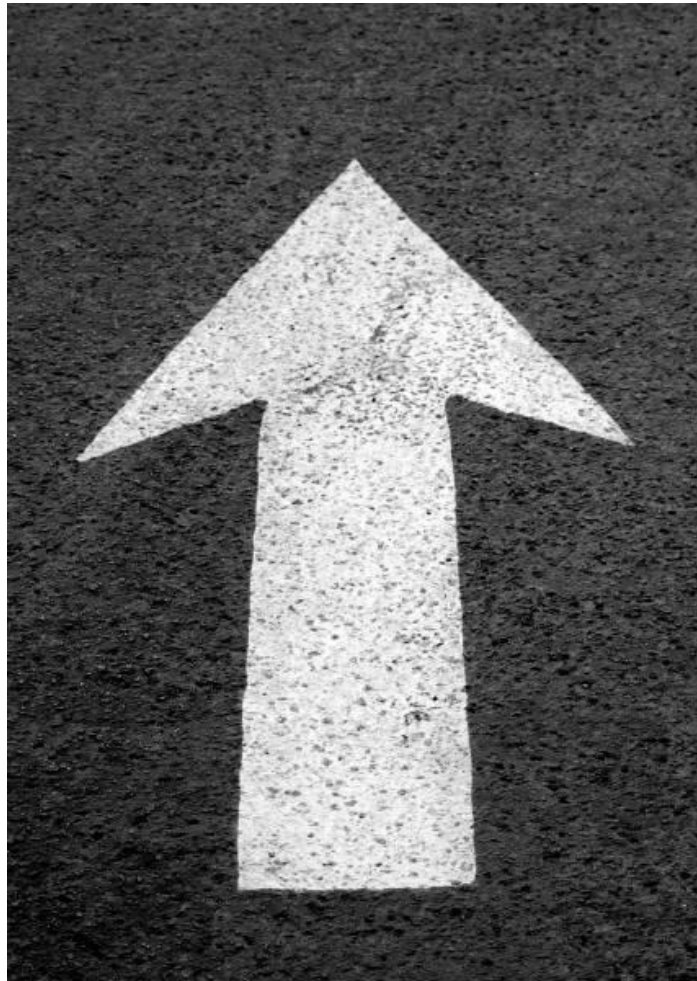
## Section 17 - 32

# Exceptions to Disclosure

# The Response Process

- Application received
- Search for responsive records
- Review of records
- Access decisions made
- Response sent out

**ALL WITHIN 30 CALENDAR DAYS**



Straight forward!?



“Not so typical” requests

# Fees (Sec 82)



# Search & Preparation

(Sec 4 of Regulation)



# Copying Fees

(Sec 5 of Regulation)



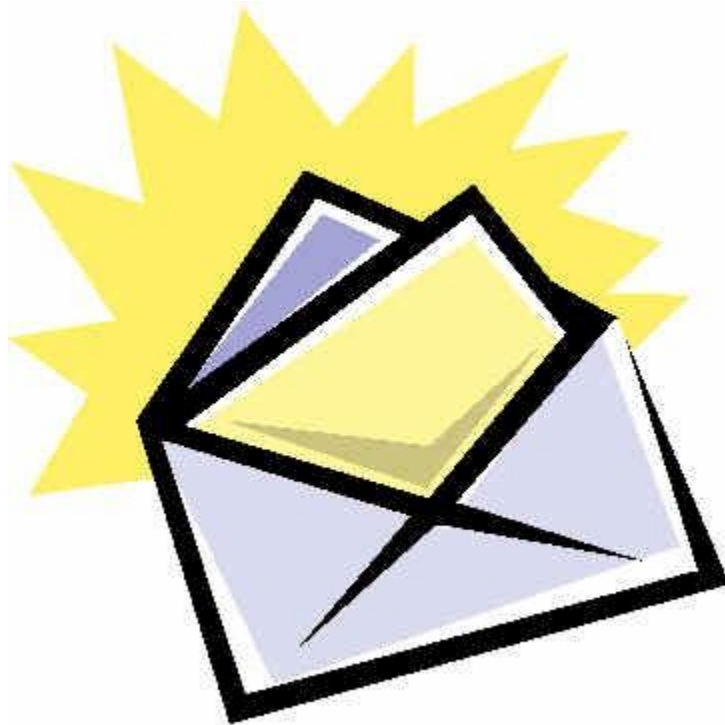
# Computer Programming and Data Processing

(Sec 6 of Regulation)



# Delivery Services

(Sec 7 of Regulation)



Freedom of  
Information  
and Protection  
of Privacy  
Act

## ESTIMATE OF COSTS



In accordance with subsection 82(2), you are being advised by this estimate that there is a fee payable for responding to your application for access to records. The estimate is as follows, based on charges authorized under sections 4 and 6 of the *Access and Privacy Regulation*:

APPLICATION NUMBER: \_\_\_\_\_

***Search and Preparation Fee:***

Time in excess of two hours ..... \_\_\_\_\_ hours  
Estimated cost (at \$15.00 each half hour) ..... \$ \_\_\_\_\_

***Computer Programming and Data Processing Fee:***

- Internal work

# Chargeable Activities

~ Search ~

- Reviewing file lists, indexes or systems to locate responsive records
- Gathering the records or retrieving them from storage
- Examining files to locate responsive records

(Sources: Manitoba Ombudsman Practice Note and FIPPA Resource Manual )

# Chargeable Activities

~ Preparation ~

- Copying original records to have working copies
- Severing the records
- Noting exceptions to disclosure on severed records

# Not Chargeable Activities

- Transferring an Application to another public body
- Preparing a fee estimate
- Reviewing records to determine if exceptions to disclosure apply
- Consulting with others (incl. legal counsel)
- Copying records supplied to the applicant
- Preparing an explanation of a record

# Estimating Time

- Time a Sample Size
- Ensure only chargeable activities are included
- Document your calculations



# Effects on Response Time Frame

- Estimate should be sent ASAP
- Suspends response time

# Fee Waivers

(Sec 9 of Regulation)

- Impose financial hardship
- Applicant's own information
- Matter of public interest
  - Public health or safety concern
  - Environmental concern

# Things to Consider

- Have you contacted the applicant?
  - Duty to Assist - Scope of the Request  
(confirmed, clarified or narrowed)
- Have you considered fairness and reasonableness?

# Things to Consider (con` t)

- Is the request for Personal Information or General Information?
- What is the likelihood of granting or refusing access?
- How are the requested records maintained?



I'll find it right away!

# Access Complaints

- Decision
- Act
- Failure to Act

# Resources

- Ombudsman Manitoba  
([www.ombudsman.mb.ca/access.htm](http://www.ombudsman.mb.ca/access.htm))
- FIPPA Website (IPPS)  
([www.gov.mb.ca/chc/fippa/index.html](http://www.gov.mb.ca/chc/fippa/index.html))
  - FIPPA Resource Manual
  - Forms and Sample Letters
  - Links to Legislation & Regulation



**Call us!**

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# Questions

