



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

## **ORDER M-745**

Appeal M\_9500777

The Corporation of the Township of Temagami



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## NATURE OF THE APPEAL:

The Corporation of the Township of Temagami (the Township) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to records relating to the Temagami Non-Profit Housing Corporation. In Order M-632 dated October 27, 1995, I ordered the Township to issue a decision letter with respect to access to the records which were identified as responsive to the request as well as a revised fee estimate based on the time required to sever certain information which it intended to withhold from disclosure.

In its decision letter of November 20, 1995, the Township provided the requester with a fee estimate of \$285 and claimed the application of a number of exemptions under the Act to the records. The requester appealed the Township's decision only with regard to the fee estimate.

During the mediation of the appeal, the Township provided the requester (now the appellant) with a revised fee estimate of \$76.50 comprised of \$9 for the cost of photocopying 45 pages of records and \$67.50 for the time spent preparing the records for disclosure.

The sole issue to be determined in this appeal is whether the fee estimate provided by the Township was calculated in accordance with the Act. A Notice of Inquiry was provided to the Township and the appellant. Representations were received from both parties.

## DISCUSSION:

### FEE ESTIMATE

At the time of the appellant's request, the relevant statutory and regulatory provisions of the Act were:

#### **Section 45(1)(b)**

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,

the costs of preparing the record for disclosure;

#### **R.R.O. 1990, Regulation 823, Section 6**

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

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

In reviewing the Township's fee estimate, my responsibility under section 45(5) of the Act is to ensure that the amount estimated by the Township is reasonable in the circumstances. In this regard, the burden of establishing the reasonableness of the estimate rests with the Township, who discharges this burden by providing me with detailed information as to how the fee estimate has been calculated and by producing sufficient evidence to support its claim.

The Township has provided evidence as to the time required to sever the requested 45 pages of records, which it has estimated at three minutes per page. This would result in 135 minutes being expended to complete the severing of the records. The Township submits, therefore, that a fee of \$67.50 for the preparation of the records for disclosure is in accordance with the requirements of the Act.

I find that the Township has provided me with sufficient evidence to establish that an estimated fee of \$67.50 for preparation time was calculated in accordance with the Act and the Regulation. In addition, the Regulation provides that fees of \$0.20 per page may be charged for photocopies. I find that this charge is also in accordance with the Act and the Regulation.

**ORDER:**

I uphold the Township's decision to charge a fee of \$67.50 for the preparation of the record for disclosure plus \$0.20 per page for photocopies.

Original signed by: \_\_\_\_\_  
Donald Hale  
Inquiry Officer

\_\_\_\_\_ April 2, 1996