



**Information and Privacy
Commissioner/Ontario**

**Commissaire à l'information
et à la protection de la vie privée/Ontario**

ORDER P-1596

**Appeals P-9800069, P-9800070, P-9800071, P-9800072,
P-9800073, P-9800074 and P-9800075**

Ministry of Natural Resources



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Téloc: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

NATURE OF THE APPEALS:

The Ministry of Natural Resources (the Ministry) received 13 requests under the Freedom of Information and Protection of Privacy Act (the Act). The requests were for access to "all expense account requests and corporate American Express monthly statements and Visa card monthly statements" submitted by or on behalf of 13 enumerated Ministry employees for the period January 1, 1995 to various dates in December 1997.

The Ministry responded by providing the requester with an interim decision letter on seven of the requests advising that it would grant access to portions of the responsive records upon payment of a specified fee for each of the seven requests. The Ministry also provided the appellant with a fee estimate for each of the requests, including a one-time charge of \$495 for 16.5 hours of search time for the expense accounts relating to all of the requests which are maintained by its Finance and Administration Branch in Peterborough. It indicated that the records sought are filed by month and are not maintained under the names of each of the individuals identified by the requester. Accordingly, a search for any one individual or for all of them would require that substantially the same search be undertaken through records maintained over the 33 months covered by the requests.

In addition, the Ministry advised that additional search time of one-half to one and a half hours would be required to locate the responsive information maintained in the home offices of each of the named individuals. These are Ministry record holdings which also contain responsive information, in addition to those maintained by the Finance and Administration Branch of the Ministry.

The requester, now the appellant, appealed only the Ministry's decision to charge a one-time fee of \$495 for the time spent conducting a search of the Ministry's Finance and Administration Branch, arguing that this amount should be prorated over each of the seven requests or, in the alternative, that this amount is unreasonable.

This office provided the Ministry and the appellant with a Notice of Inquiry. Representations were received from both parties.

DISCUSSION:

CALCULATION OF FEE ESTIMATE

The issue to be determined in these appeals is whether the amount of the estimated fees was calculated in accordance with section 57(1) of the Act.

In order to determine whether the fees were calculated properly, I must first determine whether it was appropriate to combine the seven requests into one for the purpose of searching for the records responsive to each individual request and calculating the fees. I am mindful of the fact that in Order 93, former Commissioner Sidney B. Linden found that for the purposes of a time extension appeal which also involved a series of requests, it was inappropriate for an institution to process the requests as a single request with six parts. He stated that a requester "should not be penalized for having listed multiple requests in one letter ...".

In my view, the procedures followed by the Ministry in responding to these requests were to the financial benefit of the appellant. In the circumstances of these appeals, if the Ministry had conducted seven separate searches of its Finance and Administration Branch for records relating to each of the individuals enumerated in the requests, the fees would have been substantially higher. I am also convinced that, due to the subject matter of each of the requests and the method in which the records have been stored by the Ministry, it made practical sense to search for the records simultaneously. The appellant has not been "penalized" by the Ministry's decision to proceed in this way.

In the circumstances of these appeals, I am satisfied that it was acceptable for the Ministry to conduct one comprehensive search for the records responsive to each of the appellant's requests.

Having reached this decision, I must now decide whether the actual fees were calculated properly. The Ministry indicates that staff in its Finance and Administration Branch conducted a search of its files covering the time period set out in the requests, a total of 33 months. It indicates that this search required one-half hour per monthly file for a total of 16.5 hours. The fee for this search was then calculated at \$30 per hour for a total of \$495.

Based on the information provided to me by the Ministry with respect to the actual time spent conducting these searches, I am satisfied that the fee for these searches was in accordance with section 57(1) and the regulations governing the calculation of fees under the Act.

The appellant argues that the Ministry should not be entitled to take advantage of what he sees as an inefficient record storage and retrieval system to charge fees which he views as excessive. I find that some of the information sought by the appellant is available only through the Ministry's Finance and Administration Branch and that because the records are stored by month, rather than by the name of the individual who submitted the expense claim, the search as conducted was the only way possible to retrieve this information.

Accordingly, I find that the fee estimate provided by the Ministry is in accordance with section 57(1).

ORDER:

I uphold the Ministry's fee estimate and dismiss the appeal.

Original signed by: _____
Donald Hale
Adjudicator

July 15, 1998