



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER MO-2362**

**Appeals MA07-99 and  
MA07-100**

**City of Ottawa  
and  
Ottawa Police Services Board**



Tribunal Services Department  
2 Bloor Street East  
Suite 1400  
Toronto, Ontario  
Canada M4W 1A8

Services de tribunal administratif  
2, rue Bloor Est  
Bureau 1400  
Toronto (Ontario)  
Canada M4W 1A8

Tel: 416-326-3333  
1-800-387-0073  
Fax/Télééc: 416-325-9188  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

## **NATURE OF THE APPEAL:**

The City of Ottawa (the City) received the following request from a media requester under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*):

Under the [Act], I would like to request an electronic copy, in machine-readable, tab-delimited text file format, either Microsoft Excel, Microsoft Access, dBase, or delimited ASCII text, stored on compact disc or DVD, of the following records:

All data in all fields in the City's collision database, from Jan. 1, 1998 to the date of your receipt of this request. I understand that no personal information is contained in the database.

I would also like to request a copy, in the same format, of the GIS database (for locations) that I understand is linked to the collision database.

The information the requester was seeking was in the care and control of the Ottawa Police Services Board (the Police), although entered onto the City's computer by City staff. Therefore, the City transferred the request to the Police pursuant to section 18(3) of the *Act* because the Police had a greater interest in the records.

The Police issued an interim decision and fee estimate for a total of \$870.00 and provided the requester with two copies of a sample of a Motor Vehicle Accident Report (MVAR) that would be disclosed to him if their computer program could be modified. These samples contained part, but not all, of the information sought by the requester. The Police informed the requester that sections 14(1) (personal privacy) of the *Act* may be applied to deny access to fields containing personal information.

The Police subsequently issued a decision in which they informed the requester that:

Access cannot be provided because the record does not exist...

The City does not have the software currently in place that can export [data] in the desired format. In order to develop a program to provide this type of functionality, it would require significant time and effort to design and implement. It would require thorough testing to ensure that both the proper data is being exported and personal data is being removed to ensure compliance with the City's IT Security Policies as well as the [Act].

The release of information from the Collision Data System would violate the City's data security policy which does not permit the disclosure of table structure or any other architectural details of the collision database, or any other City-owned database.

This means that they cannot directly export the data from the collision tables to delimited text files, Excel format, Microsoft Access data base or any other format.

The requester (now the appellant) appealed the Police's decision.

After discussions between the mediator, the City and the Police, the Police issued a revised fee estimate in which they provided the appellant three options. The first option involved fields that can be captured in PDF format. The total estimated cost for this option was \$1,460.00. The second option involved the creation of a new template to list every field used, including data conversion and severing time and amounted to a total estimate of \$5,120.00. The third option offered a hard copy reproduction of the severed police reports for a total estimate of \$17,639.00. The Police informed the appellant that access to some of the information was expected to be denied based on sections 8(1) (law enforcement) and 14(1) of the *Act*.

The appellant was not satisfied with the revised fee estimates as these estimates did not produce the information he was seeking in the requested format.

Representatives from the Police and the City then met with the appellant to discuss the information requested. As a result of this meeting, the Police issued a new fee estimate.

The new estimate totaled \$2,610.00 (\$2,340.00 for developing a program; \$270.00 for search and assembly of documents). There will also be a photocopying charge of \$0.20 per page for any photocopied pages. The Police required a deposit \$1,305.00.

The appellant informed the mediator that he was not satisfied with the most recent fee estimate. Accordingly, the matter was referred to adjudication. I sent a Notice of Inquiry, setting out the facts and issues in this appeal, to the City and the Police seeking their representations. I received representations from the Police and a letter from the City adopting the representations of the Police. I sent a copy of the Police's representations, along with a Notice of Inquiry to the appellant, seeking his representations. I received representations from the appellant.

In addition to disputing the fee estimate, the appellant sought a waiver of this fee. Therefore, the issue as to whether the fee should be waived is an issue in this appeal. I sent a copy of the appellant's representations to the Police and sought and received reply representations from the Police. I then sent a copy of the reply representations to the appellant and sought and received sur-reply representations from him. I sent a copy of the sur-reply representations to the Police and the City and received representations in response from the City only. I shared these representations with the appellant and received further representations from the appellant. In a follow-up phone call from this office, the appellant confirmed that, based on the contents of the City's representations as to the difficulty in providing the records in electronic format, he is only seeking records in PDF format.

## **DISCUSSION:**

### **FEES**

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, as set out below.

This appeal concerns the fee estimate provided to the appellant of \$2,160.00. As the fee in this appeal exceeds \$25.00, the Police were required to provide the appellant with a fee estimate.

Furthermore, as the fee is \$100.00 or more, this fee estimate may be based on either:

- the actual work done by the Police 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.

[MO-1699]

The Police have based their fee estimate on the latter option.

Section 45(1) provides the basis for the charging of fees for requests under the *Act*. That section reads:

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. Those sections 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.
- 2. For records provided on CD-ROMs, \$10.00 for each CD-ROM.
- 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.
- 5. For developing a computer program or other method of producing a record from machine readable record, \$15.00 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.

6.1 The following are the fees that shall be charged for the purposes of subsection 45(1) of the Act for access to personal information about the individual making the request for access:

- 1. For photocopies and computer printouts, 20 cents per page.
- 2. For records provided on CD-ROMs, \$10.00 for each CD-ROM.
- 3. For developing a computer program or other method of producing a record from machine readable record, \$15.00 for each 15 minutes spent by any person.

4. 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.

7. (1) If a head gives a person an estimate of an amount payable under the Act and the estimate is \$100.00 or more, the head may require the person to pay a deposit equal to 50 per cent of the estimate before the head takes any further steps to respond to the request.

(2) A head shall refund any amount paid under Subsection (1) that is subsequently waived.

9. If a person is required to pay a fee for access to a record, the head may require the person to do so before giving the person access to the record.

**Calculation of fee**

*Basis of fee*

The Police submit that:

This estimate was based on accessing information over a five-year period of time. This time period was selected due to the fact that the [Police] only retain this type of information for five years in accordance with our retention period policy. The City's collision database however retains the data for a longer period of time in accordance with its retention policy and therefore, the estimate should, in fact, be based on a nine-year period of time as requested. Therefore, please note, that the actual fee for processing this request may actually increase.

The revised fee... is based on the modification and implementation of the "Single Collision Report" in the City's Collision Application to suit this particular request for several years' worth of data.

The Police breakdown their \$2,610.00 fee estimate in the following table:

	<b>Task</b>	<b>Time Estimate</b>	<b>Comments</b>
1	Modify existing "Single Collision Report" to remove personal information and add any missing data fields.	14 hours	- Actually make a complete copy of the report and 6 sub-reports because the existing report will still be used for internal purposes. - Remove all fields containing, personal information. - Add missing fields that were highlighted in the MVAR form.

			- Filter out non-[Police] collision reports (i.e. only have permission to release [Police] data).
2	Modify Collision Application to accommodate new report.	14 hours	- Allow user to identify which version of the report to run (i.e. internal; public, or both). - Adjust reporting functionality to display report for multiple collisions (currently just a single collision report).
3	Developer testing	7 hours	- Test the report for proper results and formatting. - Test the application changes for bugs and impact on existing application functionality.
4	[The City] to test and verify	4 hours	- The [City] knows the data best and needs to verify the new report for accuracy.
5	Push to production	4 hours	Deploy application (with new report and functionality) [the City].
6	[The City] to run report and export to PDF format.	5 hours (1 hour per year of data)	Nothing is actually produced for the [appellant] until this step is done so it should be a factor in the time estimate. Based on a few tests that the [City] has done with the summary report for 1 year's worth of data being saved PDF format, it should take approximately 1 hour to run each report and the resulting PDF file should be approximately 80 MB in size.

The Police summarize this table as follows:

Development (Tasks 1, 2, 3 and 5):  
39 hours at \$60/hour = \$2,340.00

Running the report and data verification (Tasks 4 and 6):  
9 hours at \$30/hour = \$270.00

Total Cost = \$2,610.00

In their representations, the Police provided further detail as to the steps required to produce the responsive records. The Police further state that:

...the information being requested is quite extensive and requires a great deal of technological formatting to be able to remove the personal information while at the same time protecting the security of the City's computer system.

...there are approximately 30 pieces of data contained within one Motor Vehicle Accident Report. There are approximately 13,000 vehicular accidents per year, which is equivalent to about 3,500,000 bits of data. Even with technology today

the chance of being able to manipulate and extract this amount of data easily and quickly are just not reasonable.

Section 45(1)(b) ...includes the time to prepare records, including severing records of personal information. This is reflected in Tasks 1, 2 and 4. [The Police have] reviewed the cost estimates, level of effort, time and use of staffing expertise to be provided by City staff and believes the estimates to be reasonable and in order....

Section 45(1)(c) ...includes time for a person to run reports from a computer system. This is reflected in the time involved in Tasks 4 & 6. [The Police have] reviewed the estimated hourly rate, time involved, and level of staff expertise to be provided by City staff and believes the estimates to be reasonable.

[The Police] also submit that the hourly costs for developing a computer program in this instance as provided by the City are in accordance with sections 6 and 6.1 of Regulation 823.

In response, the appellant submits that the breakdown of the final estimate is unreasonable. He makes reference to the two previous fee estimates that he received and states that:

The estimate includes fees for the time spent by a computer compiling information and for assembling information and proofing data, both of which should not be included.

Many of the instances referred to as staff "running reports" actually involve computers compiling information and people proofing the data.

In Tasks 4 and 6, for example, the computer is doing the compilation work that is to be then proofed. During Task 1, the computer is compiling information: making a copy of the data and filtering information. Other tasks contain similar processes...

Based on the fact that I received three very different fee estimates for what amounts to the same data, I have little faith that due diligence has been paid to seeking the lowest cost option, exploring methods of cutting costs (apart from offering generic city reports) and ensuring that the data actually cannot be exported, as claimed by the parties.

In reply, the Police removed Task 6 from their itemized fee chart because the tasks listed therein do "not allow for fees to be collected under the *Act*". This reduced the total cost by \$150.00 to \$2,460.00.



In response, the appellant submits that the fee estimate is still not reasonable. He states that:

Tasks 1 and 4, for example, still contain time allotted for computer to be compiling the information (i.e. copying the data and filtering reports).

[S]ome parts of the estimate are unnecessary, such as adding additional fields in Task 1...

In response, the City allows time to be charged for Task 6 in the fee estimate. It submits that:

[It has] reviewed the estimate and determined that there was some computer time accidentally allotted for in Task 6 - Client to run the report and export to PDF format. The City has revised that task estimate to 2.5 hours (at \$60.00 per hour) - which decreases the overall estimate to \$2,310.00...

The City submits that there are no unnecessary fees from the Police included in the above fee estimates. All work would be performed by City Information Technology staff and reviewed by City Traffic and Parking Operations staff, who is the most familiar with the Motor Vehicle Collision database.

In response, the appellant submits that the City should have systems in place that can provide data in various ways or be modified without great expense and effort.

### **Analysis/Findings**

In the Notice of Inquiry, the Police were asked, in relation to the calculation of their fee estimate, whether:

- They sought the advice of an individual who is familiar with the type and contents of the requested records.
- If so, who is the individual, and to what extent is he or she familiar with the records?

In their representations, the Police state that they used information that was provided by the Information Technology Services Branch and the Traffic and Parking Operations Branch of the City.

Section 45(1)(b) of the *Act* allows the Police to charge fees for the costs of preparing the records for disclosure.

Section 45(1)(b) includes time for

- severing a record [Order P-4]
- a person running reports from a computer system [Order M-1083]

Generally, this office has accepted that it takes two minutes to sever a page that requires multiple severances [Orders MO-1169, PO-1721, PO-1834, PO-1990].

Section 45(1)(b) does not include time for

- deciding whether or not to claim an exemption [Order P-4, M-376, P-1536]
- identifying records requiring severing [MO-1380]
- identifying and preparing records requiring third party notice [MO-1380]
- packaging records for shipment [Order P-4]
- transporting records to the mailroom or arranging for courier service [Order P-4]
- time spent by a computer compiling and printing information [Order M-1083]
- assembling information and proofing data [Order M-1083]
- photocopying [Order P-184]
- preparing an index of records [P-741, P-1536]

The appellant is not seeking the personal information of any individuals contained in the records. I have no evidence that the records contain the appellant's personal information. Therefore, the Police may charge a fee for manually searching the records for personal information of identifiable individuals other than the appellant and preparing the records for disclosure.

The Notice of Inquiry asked the Police what actions are necessary and what time is involved to locate the requested records and prepare the records for disclosure. The appellant is claiming that the estimate includes non-allowable time spent by a computer compiling information and for assembling information and proofing data. I agree with the appellant that some of the fee estimate includes non-allowable time. In Order MO-1380, Senior Adjudicator David Goodis stated that:

“Preparing the record for disclosure” under subsection 45(1)(b) has been construed by this office as including (although not necessarily limited to) severing exempt information from records (see, for example, Order M-203). On the other

hand, previous orders have found that certain other activities, such as the time spent reviewing records for release, cannot be charged for under the *Act* (Orders 4, M-376 and P-1536). In my view, charges for identifying and preparing records requiring third party notice, as well as identifying records requiring severing, are also not allowable under the *Act*. These activities are part of an institution's general responsibilities under the *Act*, and are not specifically contemplated by the words "preparing a record for disclosure" under section 45(1)(b) (see Order P-1536).

The City and the Police have provided conflicting information as to their positions concerning Task 6, which is five hours of time for the City to "run report and export to PDF format." The Police have disallowed this amount in total at \$30.00 per hour and stated in their representations that this task, "does not allow for fees to be collected under the *Act*." The City has only disallowed one half of the time for this task, and calculated that the fee rate for this task at \$60.00 per hour, which as stated above is the rate allowed to be charged for developing a computer program or other method of producing a record from a machine readable record.

Upon review of the fee estimate, I note Task 6, as well as some other tasks, contain certain non-allowable items or that items have been charged at the wrong rate. In particular, Task 1 should have been charged at \$30.00 per hour instead of \$60.00. Task 1 is described as: "Modify existing "Single Collision Report" to remove personal information and add any missing data fields." These items in Task 1 are part of "preparing a record for disclosure, including severing a part of the record" as outlined in part 4 of section 6 of Regulation 823. Therefore, I will adjust Task 1 to reflect 14 hours at \$30.00 per hour.

Both Tasks 4 and 6 reflect time spent reviewing records for release. As stated by former Senior Adjudicator Goodis in Order MO-1380, this time is non-allowable. I will not allow the four hours in Task 4 for the City to verify the records for disclosure, following their creation by the Police. Nor will I allow any of the five hours of time allotted to the City in Task 6 as this reflects time spent reviewing records for release and time spent by a computer compiling and printing information [Order M-1083]

Therefore, I will be reducing the Police's fee estimate of \$2,610.00 by \$690.00 to \$1,920.00.

## **FEE WAIVER**

I will now determine whether the fee of \$1,920.00 should be waived.

Section 45(4) of the *Act* requires an institution to waive fees, in whole or in part, in certain circumstances. Section 8 of Regulation 823 sets out additional matters for a head to consider in deciding whether to waive a fee. Those provisions state:

45. (4) 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:

- (a) the extent to which the actual cost of processing, collecting and copying the record varies from the amount of the payment required by subsection (1);
- (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
- (d) any other matter prescribed by the regulations.

8. The following are prescribed as matters for a head to consider in deciding whether to waive all or part of a payment required to be made under the Act:

1. Whether the person requesting access to the record is given access to it.
2. If the amount of a payment would be \$5.00 or less, whether the amount of the payment is too small to justify requiring payment.

A 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. This office may review the institution's decision to deny a request for a fee waiver, in whole or in part, and may uphold or modify the institution's decision [Orders M-914, P-474, P-1393, PO-1953-F].

The institution or this office may decide that only a portion of the fee should be waived [Order MO-1243].

Based on its representations it appears that the appellant is relying on paragraph (c) of section 45(4).

The following factors may 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
  - (a) disclosing a public health or safety concern, or
  - (b) 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 a 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]
- 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]
- safety of nuclear generating stations [Orders P-1190, PO-1805]
- quality of care and service at group homes [Order PO-1962]

### ***Representations***

The fee estimate that is the subject of this appeal was established during the mediation stage of this inquiry. The appellant first raised the issue of a fee waiver in his representations. He submits that:

I am a reporter... I am hoping to write a comprehensive article or series of articles about collisions in Ottawa. I have requested data from the city's collision database as well as a GIS database that is linked to the collision database.

The purpose of my article(s) will be to promote public safety, education and awareness, and to provide institutional scrutiny in the public interest: That the City department charged with analyzing traffic collisions is making the required changes and decision regarding problem roadways and intersections and that the City is developing adequate strategies regarding the safety of people on our roads...

I believe it could be quicker to export the data in the [non-PDF] format I requested. As I have noted above, the parties appear to have changed their rationale for refusing to provide me with information in the format I requested from one of "system security" to one that "the system cannot do it"...

If their latest claims are true, the fact that the system can only run and export a certain set of information is, if anything, further proof that a newspaper article looking at other ways of analyzing the data, - in ways that might be missed by City staff because of the limited manner in which City staff can apparently query the data - would be even more beneficial to public safety...

In reply, the Police submit that:

It is the opinion of this service that there is not much public interest for accident reporting in the city, and this has been confirmed by our Statistical officers who respond to calls from the public as well as from sections within the service...

Without proof that this information would be widely used, well sought after and have a huge impact on how the residents of the City of Ottawa conduct themselves while driving and choosing their routes for inner city travel, it would be not be beneficial to the residents of Ottawa to incur indirect costs by media or the public to divulge in such extravagant data collecting for their personal interest. The City of Ottawa already provide a service to the public to ensure studies are done to promote safety, traffic flow and collision prevention. It is the opinion of this Service that the information provided to the public is sufficient to quench the thirst for traffic related information without residents having to incur further costs.

In response, the appellant submits that:

[M]y argument regarding public interest remains. As I have previously stated, my articles would be widely distributed and their purpose would be to promote public safety, education and awareness, as well as to provide institutional scrutiny in the public interest...

I believe there is a strong public interest or desire for information: about an issue such as road safety. As an example, I have submitted a very recent newspaper article that provides an indication of this. The article also contains concerns of Ottawa citizens about the City's treatment of an intersection.

In response, the City provided representations. It states that:

The City already publishes in hardcopy format extensive annual collision statistics reports, which are available to the public... and have been offered to the appellant. Other traffic and parking information is also available on the City's public website...

The City submits that the appellant has asked the City to develop a unique software application program, which is not in the City's possession. This will require the use of extensive staff resources, which are required on other City projects and operations. As such, a waiver of the fee estimate would interfere with the day-to-day operations of the City's Information Technology Services and Traffic & Parking Operation Branches.

The appellant has not been prepared to narrow the request nor has the appellant provided a compromise solution to reduce the costs. The City submits that a waiver of the fee estimate would shift one hundred percent of the cost of the provision of the records to City of Ottawa taxpayers. This shift is excessive, given that the City has no grounds to believe that provision of the records will directly benefit public health and safety.

The City submits that an individual record requested by the appellant are of interest to that individual's health and safety. Collectively, however, information that can be extracted from the records is of interest to public health and safety - not the records themselves. It is for this reason that the City has assembled annual collision statistical reports with extensive data analysis and makes them available to the public.

Dissemination of the records in the format that is requested will not yield public benefits or contribute meaningfully to this issue, as it is the aggregate statistical information which can be compiled from such records that provides important information; not the data contained in the individual collision reports. It is probable that the appellant will disseminate the statistical data derived from the records, not the contents of the individual records.

In response, the appellant submits that:

The subject matter of the record, collision data, is clearly a matter of public interest and relates directly to a public safety issue... [D]issemination of the record will yield a public benefit by disclosing public safety concerns and thorough analysis of the data – will contribute meaningfully to the development of understanding of an important public safety issue: that is, how the City deals (or has not dealt) with collisions and collision locations, problem areas and other trends...

[B]oth the individual records and the statistical information are important to public safety.

That statistical information, compiled from individual records, is important to assessing public safety concerns. Why else would the City include the Top 10 Collision Locations in its collision statistic reports?

The report provided by the City contains a limited number of incidents and data – for instance, only the “Top 10” collision locations – and cross-references only certain aspects of the data. I believe that in this case, further statistical information derived from the data can be analyzed to find areas of public safety of which the City may or may not be aware and may or may not have explored.

### **Analysis/Findings**

In Order P-474 former Assistant Commissioner Irwin Glasberg found that the following factors are relevant in determining whether dissemination of a record will benefit public health or safety under section 57(4)(c) of the provincial *Freedom of Information and Protection of Privacy Act*, which is the equivalent of section 45(4)(c) of the *Act*:

1. Whether the subject matter of the records is a matter of public rather than private interest;
2. Whether the subject matter of the records relates directly to a public health or safety issue;
3. Whether the dissemination of the records would yield a public benefit by a) disclosing a public health or safety concern or b) contributing meaningfully to the development of understanding of an important public health or safety issue; and
4. The probability that the requester will disseminate the contents of the records.

### ***Requirement 1 - public interest***

The appellant’s request is for accessing information as to the collision reports over a number of years. He submits in his representations that his analysis of this collision data is most definitely in the public interest. The Police dispute this statement and submit that there is not much public interest in accident reporting in the City of Ottawa. Based on my review of the parties’ representations, including the information on the City’s website analyzing collision statistics, I agree with the appellant that the subject matter of the records is a matter of public interest. In my view, the appellant has met Requirement 1 of the test as to whether disclosure of the records would benefit public health or safety.

### ***Requirement 2 - relates directly to public health or safety***

The appellant agrees that the City provides analysis of collision statistical information on its website. The City also provided a copy of the “2007 Collision Statistics Report” along with information concerning food safety issues analyzed on its website. The appellant is a newspaper reporter and wants to report on “how the City deals (or has not dealt) with collisions and collision locations, problem areas and other trends”. In my view, the appellant has met



Requirement 2 of the test as to whether disclosure of the records would benefit public health or safety.

***Requirement 3 - dissemination would yield a public benefit***

The City submits that the appellant will only be releasing statistical data and that this information is already publicly available on its website. It states that:

The City submits that provision of the records in the requested format would not benefit public health and safety. The City already publishes in hardcopy format extensive annual collision statistics reports, which are available to the public [2007 Collision Statistics report] and have been offered to the appellant. Other traffic and parking information is also available on the City's public website...

On the City's website it describes the purpose of its annual method of collecting and analyzing collision data, as follows:

The City's Safety Improvement Program (SIP) touches on all three E's of road Safety, Education, Enforcement and Engineering, with primary focus on engineering. Locations are selected, in-depth studies of collision patterns are carried out and appropriate countermeasures are recommended. Typically, selected locations have higher than average traffic collision rates. SIP is dynamic as are the ever-changing traffic volumes, roadway characteristics and operational requirements.

The program is carried out on an annual basis, when year-end traffic collision and volume data become available. All road users, including pedestrians and cyclists, are considered during the study process. Recommendations from SIP assessments include changes to signage, pavement markings, traffic control signal timings and phases and/or the installation of skid resistant asphalt and roadway geometric modifications. The majority of the recommendations that are implemented are low-cost, high-return measures that provide operational benefits as well as improved safety.

The collection and analysis of the City's collision data is critical to the success of the Safety Improvement Program. Police services forward copies of all reportable collision reports to City staff who maintain a database of relevant information. The analysis of this information is summarized in an annual Collision Statistics Report.

The City provided me with a copy of its most recent "Collision Statistics Report" dated May 2008. This annual report is a publicly available document and contains an extensive analysis of collisions in the City. The data is categorized and analyzed in several ways including by the type of vehicle involved, the ages of drivers and any pedestrians and any apparent improper action leading to the collision, whether alcohol, drugs or illness were a factor, weather, vehicle and road

conditions, province of origin of vehicles, property damage, personal injuries or fatalities, sex of driver, time of day, along with an analysis of collision trends over the last ten years.

The appellant was provided with a copy of this report, which was an attachment to the City's reply representations. In response, the appellant anticipates that he will analyze and publish the data from the records to determine "how the City deals (or has not dealt) with collisions and collision locations, problem areas and other trends."

Based on my review of this annual collision report, as well as the other information on the City's website concerning road safety in Ottawa, I find that the City is already disseminating the information sought to be disseminated by the appellant. Although the appellant points out that only the top ten collision locations is listed in this report, he has not provided me with information as to how listing more than the top 10 locations will benefit public safety. In addition, although the appellant submits that "further statistical information derived from the data in the record can be analyzed to find areas of public safety of which the City may or may not be aware and may or may not have explored", he has not provided me with an indication of which areas of public safety he anticipates being able to analyze from the information to be provided in the record.

I find that the appellant has not met Requirement 3 of the four part test under section 45(4)(c) of the *Act*. I find that dissemination of the records would not yield a public benefit by disclosing a public safety concern or contributing meaningfully to the development of understanding of an important public safety issue. Therefore, I will not waive the fee estimate of \$1,920.00.

**ORDER:**

1. I reduce the fee estimate provided by the Police to \$1,920.00.
2. I uphold the Police's decision not to grant a fee waiver under section 45(4)(c) of the *Act*.

Original Signed by: \_\_\_\_\_  
Diane Smith  
Adjudicator

\_\_\_\_\_  
November 19, 2008