

Information and Privacy Commissioner,  
Ontario, Canada



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

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## ORDER PO-4697

Appeal PA19-00199

Ministry of the Solicitor General

August 12, 2025

**Summary:** The Ministry of the Solicitor General (the ministry) received an access request under the *Freedom of Information and Protection of Privacy Act* for records about an appeal with the Office of the Information and Privacy Commissioner of Ontario and a resulting order. The ministry issued a fee estimate, which the requester appealed to the IPC. In this order, the decision-maker does not uphold the ministry's fee estimate and reduces it by 50 percent.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, section 57; section 6 of Regulation 460.

### OVERVIEW:

[1] The appellant asked the Ministry of the Solicitor General, previously the Ministry of Community Safety and Correctional Services (the ministry) for access under the *Freedom of Information and Protection of Privacy Act* (the *Act*) to records related to an IPC appeal, which resulted in an Order, issued in 2018.

[2] The ministry issued an interim access decision with a fee estimate in the amount of \$11,322.37. The ministry advised that a deposit of \$5661.19, 50% of the fee estimate was required before it would process the request. The fee estimate was comprised of 44 hours of search time and 333 hours of preparation time, as well as a shipping fee of \$12.37. It also advised that its preliminary review indicates that part of the information will likely be exempt from disclosure under various exemptions under the *Act*.

[3] The appellant appealed the ministry's fee estimate to the Information and Privacy Commissioner of Ontario (the IPC). File PA19-00199 was opened.<sup>1</sup>

[4] As part of informal dispute resolution, I requested further information about the fee estimate but I did not receive a response.

[5] I followed up with the ministry multiple times and requested a response.

[6] I did not hear back from the ministry and an informal resolution could not be reached. I decided to conduct an expedited inquiry and issued a Notice of Expedited Inquiry, requesting representations from the ministry on how the fee estimate was calculated.

[7] The ministry provided representations. I determined that I did not require representations from the appellant. In this order, I do not uphold the ministry's fee estimate and I reduce it by 50 percent to \$5655.

## **DISCUSSION**

[8] The sole issue in this appeal is whether the IPC should uphold the ministry's fee estimate.

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

[10] 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.<sup>2</sup> The fee estimate also helps requesters decide whether to narrow the scope of a request to reduce the fee.<sup>3</sup>

[11] The institution can require the requester to pay the fee before giving them access to the record.<sup>4</sup> 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.<sup>5</sup>

[12] 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

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<sup>1</sup> This appeal file was on hold under the IPC's [File Processing Limit policy](#).

<sup>2</sup> Orders P-81, MO-1367, MO-1479, MO-1614 and MO-1699

<sup>3</sup> Order MO-1520-I.

<sup>4</sup> Regulation 460, section 9.

<sup>5</sup> Regulation 460, section 7(1).

- 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.<sup>6</sup>

[13] In call cases, the institution must include:

- a detailed breakdown of the fee; and
- a detailed statement as to how the fee was calculated.<sup>7</sup>

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

[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 section 6 of Regulation 460, which applies to general access requests:

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.

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<sup>6</sup> Order MO-1699.

<sup>7</sup> 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.

## **Representations<sup>8</sup>**

[17] The ministry submits that the IPC should maintain the ministry's fee estimate because it is fair and reasonable given the circumstances of this request. The ministry also adds that the fee estimate is authorized by paragraphs 3 and 4 of section 6 of Regulation 460. The ministry states that it is willing to eliminate the shipping fee of \$12.37 and adjust the amount of the initial deposit that it is charging the appellant without further reduction to the fees for search and preparation time.

[18] The ministry's position is that it has provided the appellant with "sufficient information to make an informed decision on whether or not to pay the fee and pursue access".

[19] Regarding calculation of the fee estimate, the ministry states that it has not prepared the actual records to respond to the request and submits that the estimated fee was calculated with the assistance of experienced ministry staff who were familiar with the requested information.

[20] With respect to the search time claimed, the ministry states that the records relate to the processing of a request which resulted in an appeal and order from 2018. It states that, given the breadth of the request, some of the necessary anticipated actions to locate the requested records would include the identification and search of relevant electronic mail accounts, the search of those accounts, the identification and search of relevant networks, and the identification and manual search of physical records. The estimated time to search for these records is approximately 44 hours.

[21] The ministry's fee estimate includes 333 hours of preparation time. The ministry states that it anticipates well over 10,000 records to be considered responsive to the appellant's request, and that these voluminous records will need to be reviewed and redacted.

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<sup>8</sup> The ministry submits that the Notice of Expedited Inquiry does not provide any details about when the appellant appealed the fee estimate, nor what the appellant objected to with respect to the fee estimate, and therefore this appeal should be dismissed. I confirm that the appellant's appeal letter challenged the reasonableness of the ministry's fee estimate.

[22] The ministry does not expect that the fees for search and preparation can be reduced.

[23] The ministry also states that it is willing to reduce the deposit required to begin processing this request to \$4000. The ministry notes that the total fee will not be reduced and the remaining balance of \$7310 will be due upon completion of the request.

### **Analysis and findings**

[24] For the reasons outlined below, I do not uphold the ministry's fee estimate.

#### ***Search Time***

[25] In its fee estimate, the ministry has estimated a search fee of \$1320, representing 44 hours of search time at the allowed rate under the *Act* and Regulation 460 of \$30 per hour of search time.

[26] I accept the ministry's explanation that responsive records are stored in different places, including digital email systems and physical records. However, I do not accept that the ministry's explanation substantiates the number of search hours it will need to locate responsive records. Specifically, the ministry has failed to explain:

- which ministry staff assisted in determining the estimated number of search hours;
- the nature/type of the requested records;
- where the requested physical records are stored;
- how many staff will conduct the search;
- how it proposes to deal with any duplication of records;<sup>9</sup> and
- how the breadth of the request (records dating back to 2018 and 2019) necessitates the estimated search time.

[27] Therefore, I do not have sufficient evidence to uphold the entirety of the ministry's estimated search fee. In these circumstances, I will allow a search fee estimate of \$660 as reasonable. This 50 percent reduction from \$1320 to \$660 reflects the fact that the ministry has not provided sufficient information to substantiate the estimated number of hours to search for responsive records.

[28] For these reasons, I find that the ministry's search fee estimate is not

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<sup>9</sup> Previous IPC orders have reduced the search fee to account for duplicate emails. See Orders MO-2446, PO-2514 and PO-3480.

reasonable. I will reduce the ministry's fee estimate by 50 percent for search time from \$1320 to \$660, representing a reduction of the estimated search time from 44 hours to 22 hours.

### ***Preparation Time***

[29] In its fee estimate, the ministry has estimated a preparation fee of \$9990, representing 333 hours of preparation time at the allowed rate under the *Act* and Regulation 460 of \$30 per hour of preparation time. The ministry submits that this amount is based on its "anticipation" that the voluminous records will require review and redaction prior to disclosure.

[30] I accept that the requested records will likely require review and redaction, given the nature of the request. I also accept that the estimated number of responsive records may be voluminous. However, I do not accept that the ministry's explanation substantiates the number of preparation hours it will need to prepare the responsive records. Specifically, the ministry has failed to provide:

- an estimate of what proportion of the responsive records will require multiple severances;
- an estimate of the proportion of the records that it estimates are non-responsive or duplicative; and
- a description of the nature of the responsive records that would require the severances it anticipates will be applied.

[31] Therefore, I do not have sufficient evidence to uphold the entirety of the ministry's estimated preparation fee. In these circumstances, I will allow a preparation fee estimate of \$4995 as reasonable. This 50 percent reduction from \$9990 to \$4995 reflects the fact that the ministry has not provided sufficient information to substantiate the estimated number of hours to prepare the responsive records.

[32] For these reasons, I find that the ministry's preparation fee estimate is not reasonable. I will reduce the ministry's fee estimate by 50 percent for preparation time from \$9990 to \$4995, representing a reduction of the estimated preparation time from 333 hours to 166.5 hours.

### ***Overall fee estimate***

[33] For these reasons, I find that the ministry's fee estimate of \$11,322.27 is not reasonable and I do not uphold it. I will reduce the ministry's total fee estimate by 50 percent from \$11,322.37 to \$5655, which reflects the ministry's agreement to remove the shipping fee of \$12.37.

**ORDER:**

1. I do not uphold the ministry's fee estimate. I order the ministry to reduce its fee estimate to \$5655, requiring a deposit of \$2827.50 from the appellant to begin processing the request.

Original Signed by: \_\_\_\_\_  
Alline Haddad  
Case Lead

August 12, 2025 \_\_\_\_\_