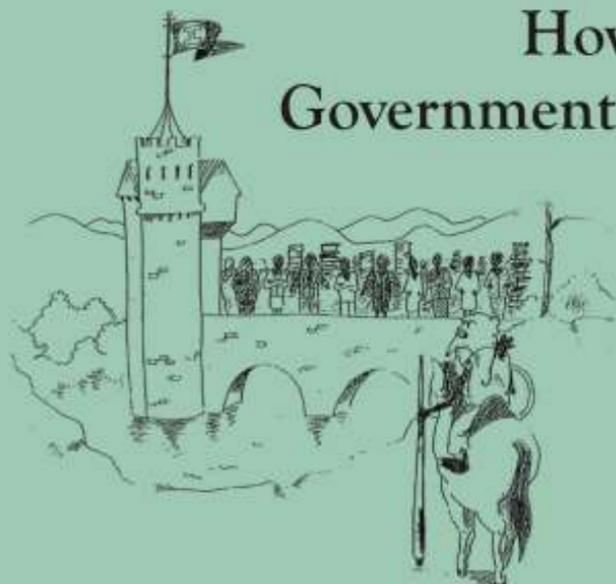


A Citizen's Guide to FOI

How To Get
Government Records



The Environmental Law Clinic
University of Victoria

A Citizen's Guide to FOI: How To Get Government Records

Knowledge is power. This layperson's guide to British Columbia's Freedom of Information legislation will help you get documents and other information from provincial and local governments, educational institutions, and professional bodies.



The Environmental Law Clinic
University of Victoria

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How To Get Government Records

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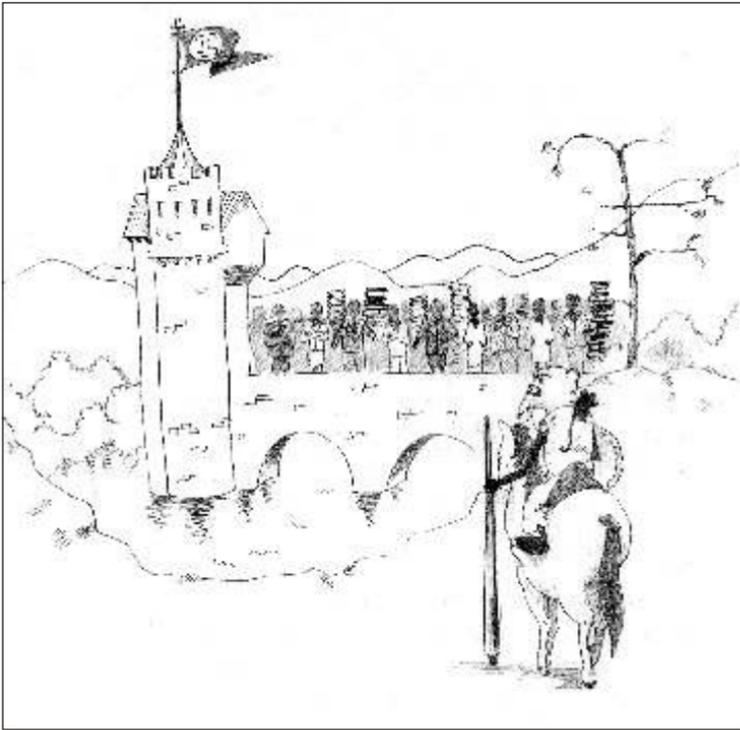
The Environmental Law Clinic

The Environmental Law Clinic (“the ELC”) is operated by the non-profit Environmental Law Centre Society, in collaboration with the University of Victoria’s Faculty of Law. Staffed primarily by law students who get course credit for their work, the ELC is Canada’s only hands-on academic program in public interest environmental law. The ELC provides legal representation and legal assistance to community/conservation groups and First Nations; produces citizen handbooks and other public legal education materials; and advocates on a wide range of environmental law reform issues. The Clinic is working to help create the next generation of public interest environmental lawyers in Canada.



The Bullitt Foundation





“Modern government has become perhaps the most important single institutional repository of information about political, economic, social, and environmental problems. A statutory right to acquire access to records generated at public expense is vital if citizens are to participate more effectively in decisions concerning the environmental management of public resources.”¹

— Murray Rankin, Q.C.

1 Murray Rankin. “Access to Information” *Law Reform for Sustainable Development in British Columbia*, Calvin Sandborn, ed. (Canadian Bar Association: Victoria) 1990. 1.

Introduction

The Importance of a Freedom of Information (FOI) Request:

Gaining access to government information through FOI has been one of the most important victories won by environmental groups in the last 15 years.² Knowledge is power. Gaining access to information enables citizens, grassroots organizations and others to obtain the information necessary to make informed decisions – and to challenge government and others that are failing to protect the environment.

Ultimately, the utility of a FOI request rests in its ability to advance one's cause.

Using British Columbia's Freedom of Information legislation, you can obtain government records regarding any number of environmental issues. Among other things, your group may be able to obtain:

- Records of government decision-making and regulatory activities, about your issue of concern
- Communications between government and a company
- Government inspectors' notes and photos, and environmental monitoring records
- The reasons why a government official made a decision, and a record of the discussions of officials and others regarding your issue of concern

² Calvin Sandborn

- Company correspondence, records, and notes the government has on file, regarding your issue
- Other information which government possesses about your issue of concern, including scientific data, studies, reports, risk and other assessments, and statistical analyses which government has gathered
- Copies of other relevant documents, such as plans, policies, government manuals, etc.

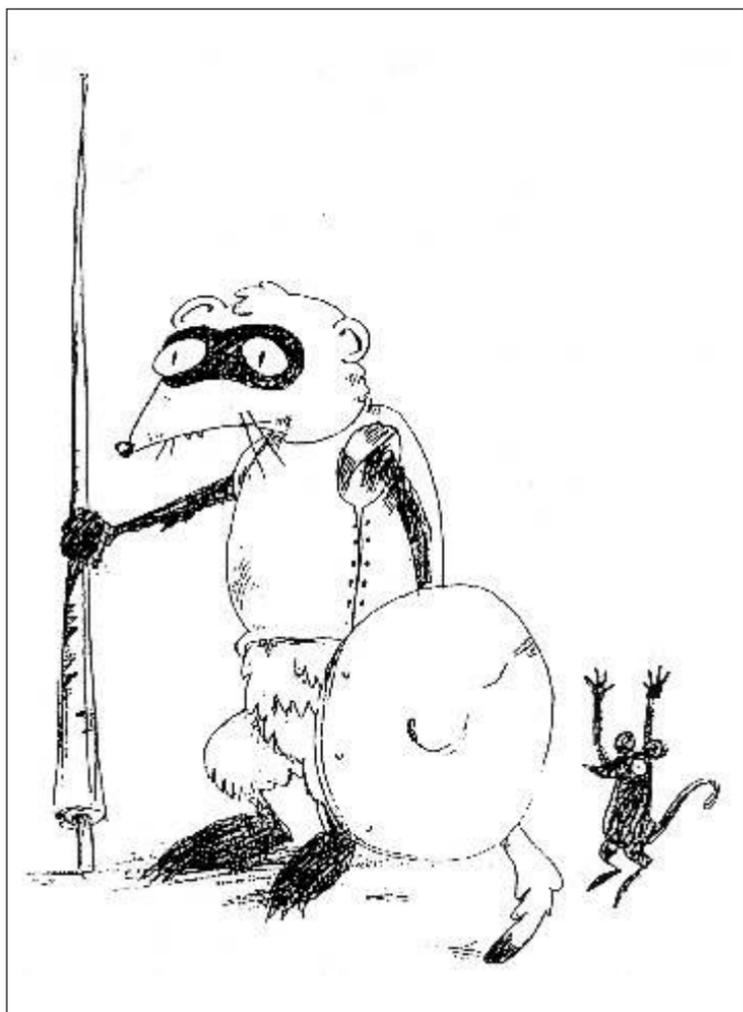
This handbook was created to help you and your organization understand the British Columbia FOI process, guide you through an actual FOI request, and provide advice on how to respond to a denied request. While the process of making an FOI request is fairly straightforward, the process is frequently time-consuming and requests are sometimes eventually denied.

Thus, the main goal of this handbook is to provide you with helpful tips on how to successfully get the information that you need, through both formal and informal channels.

It should be noted that the information contained in this handbook is not legal advice, but is general information gathered by law students. Remember that the law changes frequently. For specific situations, you should contact a lawyer or the free legal resources identified at the end of this Guide.

For other information on BC freedom of information issues, consult the website of:

- BC Freedom of Information and Privacy Association at <http://fipa.bc.ca>
- Office of the Information and Privacy Commissioner at www.oipc.bc.ca



Freedom Ferret and Citizen Mouse will lead you on your quest for the documents you need!

Overview of the Act

1. The Purpose of the Act:

The BC *Freedom of Information and Protection of Privacy Act* (FOIPPA) establishes a right of access to records possessed by public bodies. It also protects individuals' privacy, but only the provisions about access to information are discussed here. A central purpose of the legislation is to make public bodies more accountable to the public by giving the public a right of access to records.

The Act governs provincially-regulated bodies. To get information from federally-regulated bodies, one can make use of the federal Access to Information Act. Although the federal Act is beyond the scope of this Guide, information on gaining access to federal records is available at www.fipa.bc.ca/government_records/.

See Appendix 6 of this guide book for more information.

2. What organizations can you get information from?

Under the provincial Act, you can get information from “public bodies” in British Columbia.

Public bodies include:

- Provincial government ministries;

- Provincial boards, agencies and commissions, provincial Crown corporations. See Schedule 2 of the Act for a complete list, at www.oipcbc.org/legislation.htm.
- Municipalities, regional districts, universities, colleges, school boards, municipal police forces, hospitals, and self-governing professional bodies (such as the Law Society of BC). See Schedule 3 of the Act for a complete list of self-governing bodies, at www.oipcbc.org/legislation.htm

Note: A “public body” under the Act does not include:

- The office of a MLA or the Legislative Assembly itself;
- BC Provincial Court, the BC Supreme Court or the BC Court of Appeal.

3. Can you get information from private businesses, corporations, or individuals?

No, the Act does **not** apply to private organizations, including businesses, non-profit organizations, landlords or doctors in private practice. However, you may be able to get records and information that originated from private entities if they are now on the public (government) files.

4. What about federal government agencies?

The Act only applies to public bodies within BC. Federal government agencies are covered by the federal *Access to Information Act*. See appendix 6 for further information on this statute.

5. What kind of information can I obtain from an FOI request?

According to the Act, you can get access to records that are “in the custody or under the control” of the public bodies discussed above. A “record” includes books, documents, maps, drawings, photographs, letters, emails, vouchers, papers and any other

thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.



“Those files must be in here somewhere!”

You have the right to existing “records”, not information in the abstract. Government doesn’t have to create a new record containing information you want.

Note: You can **not** get access to certain types of records, including:

- Records in court files, such as records of judges, judicial administrative records or records generated by support services that are provided to judges
- Personal notes, communications, or draft decisions made by someone acting in a judicial or quasi-judicial capacity (such as

tribunals like the Labour Relations Board or Environmental Appeal Board)

- Records that are in the custody of an officer of the Legislature that are related to the exercise of that officer's function

6. Does the right of access extend to all records held by public bodies?

The Act grants the public a general right of access to records, subject to the operation of specific statutory exemptions. The Act's broad access rights promote transparency and accountability in government, but the Act also recognizes that public or private interests may be harmed through the release of certain information. Therefore the Act exempts government from the obligation to release certain records.

The exemptions available to government may be found in the *Freedom of Information and Privacy Act*. See sections 12-22. Exemptions should be read carefully. Some exceptions require government to withhold the records, some give government the discretion to withhold, while others allow the public body to withhold the record only if a certain harm would reasonably result from its disclosure. Many frequent users of the Act feel that public bodies apply these exemptions too broadly, in order to withhold records. Those users are often successful in appealing such decisions to the Commissioner of Information and Privacy. Judicial decisions interpreting FOI laws in Canada have held that exemptions to public disclosure should be "narrowly interpreted".

Some important exemptions to be aware of include:

Items that government has the discretion to either disclose – or refuse to disclose:

a: Policy advice or recommendations

Under section 13 of the FOIPPA, the head of a public body may refuse to disclose to an applicant information that would reveal advice or recommendations developed by or for a public body or a minister. This exemption does **not** apply to information that has been on record for more than 10 years, or to those exceptions listed under s.13(2), including:

- ◆ Environmental impact statements; polls; surveys; and factual material.
- ◆ A report of a task force or similar body that has been established to make reports or recommendations to a public body.
- ◆ A proposal or plan to establish a new program or change an existing one, if the plan has been approved or rejected by a public body.
- ◆ Information that the head of a public body has cited publicly as the basis for making a decision.

The exemption for policy advice is not as broad as it may appear. As the Commissioner has stated in a recent decision: “The purpose of s.13(1) is to protect a public body’s internal decision-making and deliberative processes, in particular while those processes are still underway.” (Order # FO5-O1) While these processes are protected, the factual information upon which they are based is not.

b. Lawyer/Client Communications

Under s.14, the head of a public body may refuse to disclose information that is subject to solicitor client privilege.

For example, disclosure of communication between a lawyer and their client in preparation for litigation need not be disclosed.

c. Disclosure harmful to law enforcement

Section 15(1) of the Act states that the head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to harm a law enforcement matter.

Thus, if enforcement officials are preparing to lay charges against a polluter, government may refuse to disclose if the disclosure is likely to compromise the prosecution.

d. Disclosure harmful to intergovernmental relations or negotiations

Under s.16, the public body involved may refuse to disclose information to an applicant if the disclosure could reasonably be expected to harm intergovernmental relations, reveal confidences between governments, or harm treaty negotiations.

For example, applications for the disclosure of minutes or notes taken during treaty negotiations might be denied under this exemption.

e. Disclosure harmful to the financial or economic interests of a public body

Under s.17, the head of a public body may refuse to disclose information that could reasonably be expected to harm the financial or economic interests of a public body or the government of British Columbia or the ability of that government to manage the economy.

For instance, if government is negotiating the sale of land, it may refuse to disclose the bottom line price that it would accept for the land in question.

f. Disclosure harmful to the conservation of heritage sites, etc.

Under s.18, the head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to result in damage to, or interfere with the conservation of heritage sights, or endangered, threatened or vulnerable species and other living resources.

For example, if releasing certain information could undermine a government program for the conservation of spotted owls, this information can be exempted from release.

However, remember that government's initial determination that an exemption applies can be appealed. For example, Raincoast Conservation Society successfully appealed government's refusal to disclose information about grizzly bear kills, after government initially claimed that disclosure could interfere with grizzly conservation. [BC (*Ministry of Water, Land and Air Protection*) v. BC (*Information and Privacy Commissioner*), 26 B.C.L.R.(4th) 1.

g. Disclosure harmful to individual or public safety

Under s.19 (1), the head of a public body may refuse to disclose information, including personal information about the applicant, if the disclosure could reasonably be expected to (a) threaten anyone else's safety or mental or physical health, or (b) interfere with public safety.

For example, information that would help an applicant locate someone who the applicant had physically threatened could be withheld.

h. Information that will be published or released within 60 days

Under s.20, the head of a public body may refuse to disclose information where the information is either already available to the public, or will be within 60 days.

For example, if you are requesting a study that will be released by the government within a month, the government may refuse your request.

Items that government must refuse to disclose (“mandatory exemptions”):

a. Cabinet and local public body confidences

Under s.12, the head of a public body must refuse to disclose information that would reveal the substance of deliberations of the Executive Council or any of its committees, including any advice, recommendations, policy considerations or draft legislation submitted to the council or its committees.

For example, the government must refuse to disclose confidential briefing notes and draft legislation prepared for the Executive Council or its committees that is currently being considered.

This exemption does **not** apply, however, to background information given to the Executive Council or its committees for making a decision if that decision has since been made public, has been implemented, or if 5 or more years have passed since the decision was made or considered. It also doesn't apply to information in a record that is over 15 years old, or to records of appeal decisions decided by Cabinet.

b. Disclosure harmful to business interests of a third party

Under s.21, the head of a public body must refuse to disclose information if the information:

- ◆ Reveals either trade secrets or commercial, financial, scientific, or technical information about a third party;
- ◆ Was supplied in confidence; and
- ◆ Could reasonably be expected to result in certain types of harm to the third party or government, if disclosed.

For example, the government would have to refuse to disclose the production methods of a third party that has bid for a contract to design and build aircraft for government use.

c. Disclosure harmful to personal privacy

Under s.22, the head of a public body must refuse to disclose information if the disclosure would be an unreasonable invasion of a third party's personal privacy.

For example, the government will likely refuse to disclose information regarding a third party's psychiatric history or diagnosis. Similarly, under s.22.1, disclosure of information must be refused where the information relates to abortion services, unless the services in question were received by the applicant, or where the information is of a general nature.

HOT TIPS

- Government's interpretation of the Act – including the sections that provide exemptions from disclosure — can be found in the Ministry of Management Services Policy and Procedures Manual on FOIPPA at www.msers.gov.ca/privacyaccess/manual/toc.htm
- The independent Commissioner's interpretation of sections of the Act can be found in the Commissioner's Orders, which you can find in the Sectional Index at the Commissioner's website. See http://www.oipcbc.org/sector_public/orders_decisions/sectional_index.htm

NOTE:

The government is required to sever exempted materials from the records if at all possible. This means that even if parts of a document may be exemptible, you should still get the non-exempted parts of the record.

Developing A Game Plan

So far, you've determined that government has records that will be useful to you, and you've also decided that they are the type of records the Act allows you to request. In addition, there is no mandatory exemption that would necessarily prevent you from obtaining the records. Now you need a strategy to get those records!

Here are some general tips regarding preliminary steps:

Whether you want information simply to be informed about an issue — or to document something for a legal action, public education, media use, or other purposes — you need to have a strategy. Hopefully, the previous section has given you an idea of who you can ask and what kinds of information you can get from them.

First and foremost, you need to identify:

- The records you are seeking, and
- Which public body has custody or control of those records.

This often requires some investigative skills. You might consider the following approaches:

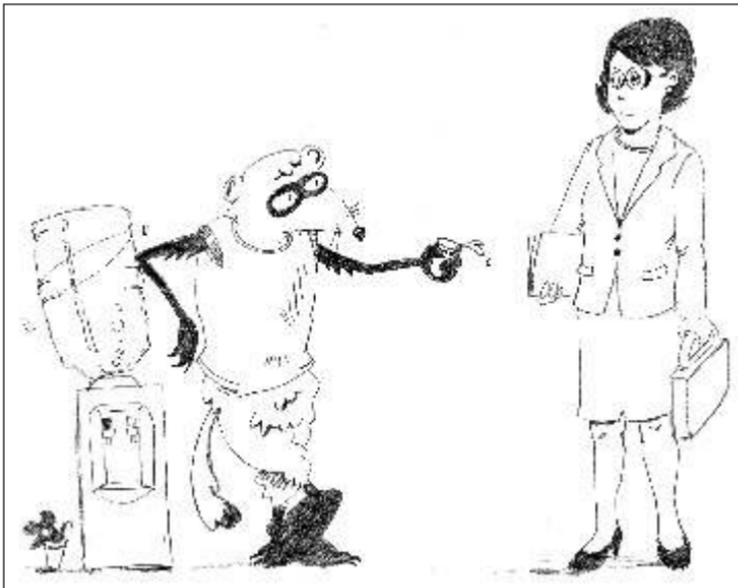
- Ask other environmental groups that have looked for similar information. These environmental and community groups may already have the records you need, or may be able to tell

you how to get them. The BC Environmental Network is a good resource for finding environmental groups based on their location or area of interest. Their website can be found at www.bcen.bc.ca. Talk to groups about their experiences in tracking down information.

- West Coast Environmental Law Association, Sierra Legal Defence Fund and the Environmental Law Centre may be able to give you tips on where information is buried.
- Environmental groups often find that the records they are looking for are held by these government bodies: Timber Sales BC, Agricultural Land Commission, Ministry of Water, Land and Air Protection, Land and Water BC, Inc., Ministry of Forests, Ministry of Agriculture, Food and Fisheries, Ministry of Sustainable Resource Management, Ministry of Energy and Mines.
- A quick “Google” search may be helpful. With the vast amount of information available online, the Internet is often a good starting point to get the “lay of the land”. Search the government websites, among others.
- Published reports and studies at your local university, college, or municipal library may also offer relevant background information.
- Make sure you contact the relevant provincial government department. The Government of British Columbia Telephone Directory is available electronically or in hard copy from Crown Publications. If you phone Enquiry BC (604-660-2421 in Vancouver; 387-6121 in Victoria, 1-800-663-7867 elsewhere), you can ask to be transferred to the Information Officer for a particular public body. Alternatively, you may want to speak directly to the person who has charge of the type of record you’re looking for. For example, if you speak to an administrator who has the document in his or her office filing cabinet, you may receive a faster response than if you deal through a third party who is more distant from the records.

Once you have identified the information that you need and determined who has it, you need to decide how to get it. While you have a right to get records through an FOI request, this option should not necessarily be your first resort. Formal requests can be costly, time-consuming and often produce disappointing results.

First, try an informal approach. With the background information you have gathered, you can approach the government agency and informally discuss the matter with officials. Try a friendly phone call and suggest that you are seeking the information, and will go through the formal FOI process if necessary, but would like to get the information informally, if possible. You can point out that if they can accommodate you, it may save everybody time and money. Many times officials will allow you to visit the department or office, and review the files, to get the records you are looking for. And even if they don't, these phone conversations will give you information about what is on the files – information you will need for writing a formal FOI request.



"How about looking at those files over a drink?"

Writing An FOI Request

Once you have run out of informal ways of obtaining the information, you may want to prepare a formal written request. Although an FOI request form is available (see appendix 1 to get a form), a written letter that is addressed to the right agency and person within that agency, and specifies exactly what you or your group is requesting is sufficient. Appendix 2 shows some of the common mistakes made in writing such requests. Appendix 3 contains a sample letter that may prove useful while writing a request.

Here are some tips to follow while planning and writing an FOI request:

- a) Try to make your request as specific as possible. Requests are often denied, delayed or made unnecessarily expensive because they are cast too broadly. If you ask for “all the files you have” on a topic, the agency will have an excuse to delay responding to your request, and to charge high fees. You can save time and money by making a request very specific. The Ministry’s Information Officer may be able to help you with this.
- b) If the request that you’re making involves a great volume of records, try to state both what your request includes and what it does not include.
- c) If you’re asking for information that was reported in the media, be ready to provide government with copies of the article, name of the paper, dates, etc. This will serve you well

because the easier you make it for the agency to identify what you want, the more likely that they will give it to you quickly.

- d) Try to establish contact with the person responsible for FOI requests in the public body whose records you are seeking. The more they understand precisely what you want (and perhaps don't want), the more readily you might be able to get the records. You might also be able to save money by arranging with the FOI coordinator to inspect the records instead of having the time and expense of photocopying them. However, government agencies may insist on making copies for you (and billing you accordingly) if the request includes information that can be exempted under the Act.
- e) If you find it difficult to formulate a narrow request, you may want to consider a strategic or "first cut" request. Such a request could be limited to a specific date period, regional office or even a specific individual in a public body. The records received in response can then help you craft a more refined request.
- f) If the public body holds the information in digital/electronic form, consider whether you wish to obtain the information in electronic form. Information such as the contents of databases is much more useful in electronic format.
- g) Be sure to include your phone numbers, e-mail, and other contact information in your request. Some questions concerning your request can be solved easily if the agency can call you to clarify matters. This resolves problems more efficiently and will facilitate a faster response. The process around freedom of information works best when both the requester and the agency act cooperatively – and make it easy for each other.
- h) For further tips, try consulting the BC Freedom of Information and Privacy Association's website at www.fipa.bc.ca/.

Making your request broad enough – and narrow enough

One of the challenges of using FOI is formulating a request that will capture the information you are interested in without casting a net so broad that the information is buried in a mountain of non-pertinent documents. Such a focused request also saves time and money. Your request should communicate both what you want and what you don't want.

To accomplish this, ask yourself:

What is the specific nature or aspect of the issue you are interested in? For example, are you concerned about a recent spill or regulatory violation? The reasoning for a change in policy? Chronic air pollution from a specific plant?

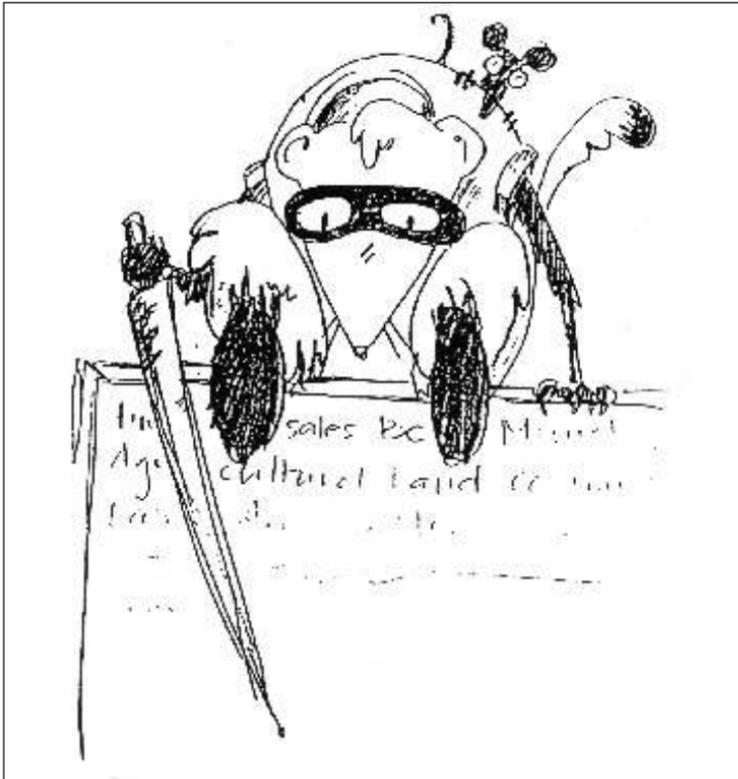
Why do you believe the public body has records regarding this issue? Has there been a recent decision or approval? Is an industrial facility subject to ongoing reporting and monitoring requirements? Does the public body have documents that have been referred to it by other public bodies? In previous similar cases, what kind of documents did this public body have? What have officials told you about the kinds of specific documents on file?

Can you further narrow your request? Are the records likely to be from a certain time period? Restricted to a certain location? Contained in a specific office? Do you need information about the most recent pollution spill, about all historical spills, or just spills over the last 5 years, since new laws came in? Do you need information about all pollution from all pulp mills in the Prince George area, or just one pulp mill, or just one operation within one mill? Do you need all correspondence to a regional Ministry office, or just correspondence to one specific individual?

What if I have a request but I don't know what agency or who to send it to?

A comprehensive list of public bodies and agencies you can address your request to can be found at the end of the Freedom of Information & Protection of Privacy Act. They can be found

in Schedule 2 of the Act, which can be found online at the web page of the Information and Privacy Commissioner, at www.oipcbc.org/legislation.htm. You can confirm that you have the right agency or person by phoning the Ministry's FOI official.



"Where's the Ministry of Rodent Affairs?"

What if I don't know the name of the Governing Body of a particular Profession?

A comprehensive list of the governing bodies of professions or occupations can be found in schedule 3 of the Freedom of Information & Protection of Privacy Act, which can be found at www.oipcbc.org/legislation.htm.

Your Request Is Submitted, Now What?

Can a public body disregard my request?

Section 43 of the FOIPPA allows the commissioner to authorize a public body to deny a request for information that

- a) would unreasonably interfere with the operations of the public body because of the repetitious or systematic nature of the requests, or
- b) is frivolous or vexatious.

These sections have rarely been used. If you have been reasonable, you should not be refused on this basis.

How the Agency Should Respond:

Once an agency has received your request, it has 30 business days to respond. However, the public body may give itself an extension of another 30 days if your request is not detailed enough, asks for a large number of records, or involves a third party that needs to be consulted by the agency before disclosure can be made or has objected to release of the records. In that case, they will write to tell you when you can expect a response. For a longer extension than that, the agency needs to apply to the Information and Privacy Commissioner.

If the agency asks you to pay fees for the information (see below), the agency can delay producing the documents until you

either pay the fees, or the issue of payment is resolved (for example, if you request a fee waiver and refuse to pay a deposit, they need not produce the documents, until the fee issue is resolved.)

When it does respond, the public body's response must **either**:

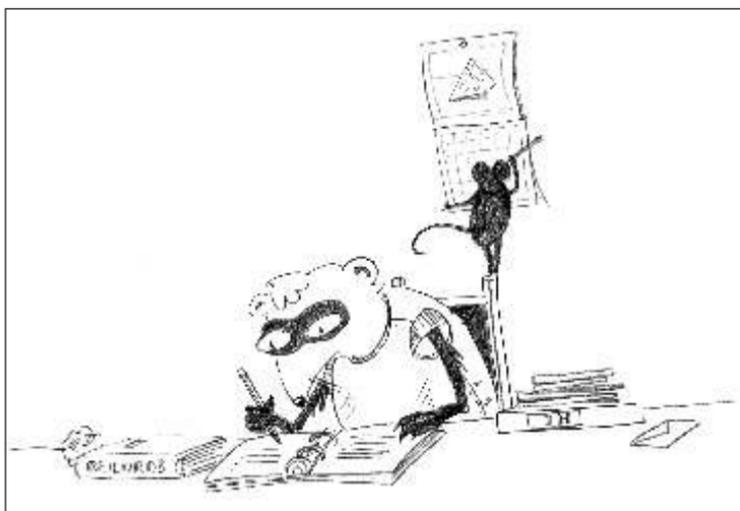
- **Grant your information request in full or part-** The agency will inform you that you will be given full or partial access to the information requested; and indicate how, when and where you can access the documents. If you have requested copies of documents, or if the agency has chosen to prepare copies, the agency will usually just send you the copied records.
- **Turn your information request down-** The agency must give reasons for the denial and provide contact information of someone who can answer your questions about the refusal. It will also inform you of your right to request a review of the agency's decision (see below).

HOT TIP

Keep all copies of your correspondence, and notes you've made (of phone calls, etc.). Note things like the date, the name of the person you spoke with, what they said, etc. You might need them later if you have to seek a legal review or go to court.

Follow up phone conversations with a confirming letter addressed to the person you spoke with, describing what was said and agreed to. Confirming phone conversations in writing eliminates ambiguities and misunderstandings. Later, if the official's story changes, you can rely upon your confirming letter. Also, the confirming letter can be useful if your information needs to be forwarded to another office or agency. It's also a useful record for you and your files.

When you receive or send a letter, it is helpful to note any upcoming deadlines (e.g., the date by which the public body must respond) on your calendar.



**"3:30pm:
Ministry called with invoice for broken water cooler..."**

Remember, it is to your advantage to be very friendly in your dealings with these officials. They often do these requests on the side, in addition to their regular jobs. Establishing a good rapport will help both of you work together. Also, being able to follow up with someone you know by name will make things easier for you.

Your Timeline

How long does the Government have to respond to your request?

The deadline is 30 business days, but as mentioned above, the government may grant itself a 30-day extension if various conditions are met. If you have not received a response within these deadlines, you should call or write the FOI department or individual at the agency and ask them to commit to a release date for your request.

In certain circumstances, you will want to file an appeal (“request for review”) with the Office of the Information and Privacy Commissioner when a government agency misses a deadline. (See below for a discussion of how to request a review.) First, however, you should contact the agency in question and determine when a response will be issued. If release is imminent, it may not be in your best interests to request a review, as it will likely take the OIPC months to investigate the incident and may therefore slow the process down.

TIP: Delays in providing documents are one factor that can be considered when deciding whether a fee waiver should be granted. If an agency has charged you fees (see below) and is late in delivering your documents, you may write to the agency and request that your fees be re-evaluated in light of the delay.

Fees

1. What will I have to pay, and how can I reduce or avoid costs?

In some circumstances you will have to pay fees for records, while in other situations fees can be waived or reduced. The Freedom and Information and Privacy Regulation, as well as *Government's Policy and Procedures Manual* at www.msar.gov.bc.ca/privacyaccess/manual/toc.htm set out the guidelines for charging fees.

2. How will I know if I will be charged a fee for my request?

Section 4 of the Act explains that you must be informed if there will be any fees charged to you, before the government fulfils your request. Before the public body can charge any fees, the head of the public body will give you a written estimate of the total fee before providing the service. The agency will not start the search until you have agreed to pay the fees, or the agency has waived the fees. In addition, the agency may require the applicant to pay a deposit in the amount set by the head of the public body (this cannot be more than 1/2 of the total fee estimate).

It should also be noted that where fees fall below a certain threshold, public bodies have the discretion to waive them. The *Policy and Procedures Manual* states that the current recommended threshold for provincial public bodies is \$50.00, though fees under this amount may still be applied.

Because the public body will not start assembling documents until the fee issue is resolved, the time between the agency issuing a fee estimate and the questions of fees being resolved (either by you agreeing to pay the fees and paying any deposit, or by the agency waiving fees... see below), does not count towards the time during which the agency must respond to your request.

3. What is the breakdown of fees?

Highlights of the fee schedule are below (Maximums as of March 1, 2005). Check the regulations on the Commissioner's website <http://www.oipc.bc.org/> for up-to-date amounts:

- **Locating/retrieving a record:** The first 3 hours are free, then \$7.50 per 1/4 hour.
- **Photocopies:** \$0.25 per page
- **Diskettes:** \$10.00 per diskette.
- **Slide duplication:** \$0.95 each.
- **Producing a record:** Producing hard copy from records in electronic format may require computer programming. Programming charges are \$7.50 per 1/4 hour, CPU time is \$16.50 per minute.
- **Shipping and Handling:** Actual shipping costs apply.

Note: A Schedule of Maximum Fees can be found in appendix 5.

Note: These fees do not apply to a request for the applicant's own personal information.

4. Reducing fees:

One of the major reasons for writing a precise and clear FOI request is to reduce the fees you may have to pay. Large fees have been a deterrent for some groups seeking to pursue an environmental cause. Here are some tips on keeping your fees reasonable:

- Overbroad requests can lead to large search and copying fees. Make your request very specific, and know the information you are seeking. ***Remember that the most common reason given for a denial of an FOI request is that the request is too broad.***
- If you are seeking a large amount of information on different issues, you may want to break your request into more than one application. Remember, each request has 3 free hours of research time. However, don't try to **artificially** break down a single issue into a number of requests, as that may be seen as causing unnecessary bureaucratic activity.
- The government can only charge fees for the time that they research the documents, and for copying large numbers of pages. If you can help them locate the records, that may reduce fees. If you go into the office and sort through documents, you may be able to reduce the number of relevant documents copied, and thus reduce fees. However, the agency may be reluctant to have you review the documents if there is a chance that they may contain information that they do not need to release (exemptions). In such cases, they may insist on making copies of the requested documents and charge you accordingly.
- Government cannot charge for the time taken to review documents and “sever” excludable content (this process of removing exemptible material from documents is usually what takes the most time, and is the main excuse for delays).
- Sometimes you can negotiate with a government agency to reduce the scope of your request to a level that they consider manageable. You should not feel pressured into dropping requests for documents you need, but if you can work with them to reduce the scope of your request, they may be able to reduce or drop a fee estimate.
- Perhaps most important, remember that sometimes groups are entitled to have their fees fully waived, under s. 75 of the Act. See below.



"The things I'll do to save a few bucks!"

5. How can I get a waiver of fees?

Environmental groups can often seek a waiver of fees. Generally they should request a waiver of fees at the time of submitting an FOI request, and provide a rationale for this request. Note, however, that the provincial government often ignores such initial requests and you may need to send a second request for a fee waiver once a fee estimate has been received. The head of a public body may waive any fees if:

- You cannot afford the payment or, it would be fair to excuse the payment; or
- The record requested relates to a matter of public interest, including the environment or safety.

The word “may” seems to suggest that the head of the public body does not need to grant a waiver request, even where the matter relates to the public interest. However, the Information and Privacy Commissioner, who reviews government decisions on such issues, has made it clear that the head must grant a waiver where there is an issue of genuine public interest.

To determine whether fees should be waived on a “public interest” ground, the following test is applied: (See Commissioner’s Order 332-1999)

1. The head of the agency must decide whether the requested records relate to a matter of “public interest”. The Act specifies the environment, public health or safety records as being related to matters of public interest.

Records related to other subjects may meet the test if:

- (a) the subject of the records has been a matter of recent public debate;
- (b) releasing the records can reasonably be expected to yield a public benefit by disclosing, or contributing to debate about, an environmental or public health or safety concern, or an important policy, law, program or service.
- (c) the records disclose how the Ministry is allocating financial or other resources.

Although not all of the above criteria need to be met to warrant documents being issued, a waiver request that addresses a number of the above factors is strongest. You should comment on any of these tests that apply to your situation when you request a waiver.

2. Even if the documents relate to matters in the public interest, the head of a public body will likely go on to consider whether or not the fees should be waived on the basis of whether disclosure will actually serve the public interest.

In making this decision, the head will consider whether your primary purpose is to benefit the public rather than simply

serving a private interest – and whether you are able to disseminate the information to the public. In addition, the head will consider whether you have been reasonable throughout the request, including whether you have made genuine good-faith efforts to limit the scope of the information request to that which is relevant, thereby reducing associated fees.

Appendix 3 contains a sample of a letter asking for waiver of fees for an environmental group that is requesting records. Note that a public interest group has a better chance of getting a waiver of fees on “public interest” grounds than does an individual.

Keep in mind that where the fee is low or money is not an issue, the quickest route may be to simply pay the required fee under protest. Under s. 4 of the Act, bodies can refuse to release documents until fees are paid, or formally waived. Since a government body can take 20 days to respond to a request for a fee waiver, and may then turn it down, one option is to simultaneously request a fee waiver and at the same time pay the required deposit “under protest”. This means that the government would start collecting the materials, even while they were considering your request for a waiver of fees.

Alternatively, if you wait until your request for a fee waiver has been denied, you can request a review of that decision, and simultaneously pay the required deposit “under protest”. This allows government to start assembling the records during the months that it takes the Commissioner to consider the review. If the Commissioner has not ruled on your review by the time the documents are ready for release, the government will likely refuse to release them unless you pay the remaining fees as well; this also can be done under protest.

Money submitted under protest should be accompanied by a written statement explaining that you feel that you are entitled to a waiver, and wish to proceed with a request for a fee waiver (or the review of the decision to deny a fee waiver), but that in

the meantime you enclose the requested deposit “under protest”, and expect it to be repaid if the fee waiver issue is resolved in your favour.



"I'm going to want this back..."

Appealing A Decision

1. Not Satisfied with a Public Body's Response?

If you are not happy with the agency's response, you may request a review of the agency's decision, and ask the Information and Privacy Commissioner to reverse the decision. (See section 52 of the Act.) A written request must be sent to the Office of the Information and Privacy Commissioner (OIPC) within 30 business days of receiving the response. If you apply for a review after 30 business days, the Commissioner still has the discretion to allow you to proceed with the review – but you must convince him to exercise that discretion by including reasons or unusual circumstances for the delay in your letter.

Your request for review should include:

- A copy of your initial request to the agency
- A copy of the agency's response to your request
- A written request to the OIPC to review the agency's decision

You may either complete a "Request for Review" form (see appendix 4) or simply write a letter. In either case, your request should clearly explain what decision or specific aspect of the decision you want reviewed. A sample review request letter is included at the back of this handbook, also in appendix 4.

Aside from reviews, under s. 42 of the Act, the Commissioner can also investigate and attempt to resolve complaints that the legislation has not been followed, that fees are inappropriate, or that time extensions have not been dealt with properly.

HOT TIP:

The results of previous reviews are set out in “Orders” from the Commissioner. The Commissioner’s website (<http://www.oipc.bc.org/>) contains all previous Orders and also provides a very useful “Sectional Index”, referred to on page 9, above. The Sectional Index groups Orders according to specific sections of the statute, which allows you to review other instances where information was denied in similar circumstances. The Orders may assist you in determining whether to accept or challenge the decision you have received from the public body. In your request for review, you should, where possible, refer to past Orders that support your position.

You may also want to refer to the Government’s *Policy and Procedure Manual*. The website address for the Manual is on page 9, above

2. What Happens Next? The Review Process:

Mediation Stage

Once the Office of the Information and Privacy Commissioner has received your request for review, a file will be opened and an OIPC employee called a Portfolio Officer will be assigned to review the facts and try to mediate a settlement between you and the agency. The mediation process usually takes between 60 to 70 days. This time period can be extended if both you and the public body agree progress is being made. The success of the mediation depends on the willingness of both you and the public body to communicate and compromise. More than 90 percent of disputes are settled at this stage. Even if you ultimately go to a review hearing (aka “inquiry”), you may get some additional documents during this mediation. Do not view it as an all or nothing negotiation.

Review Hearing

If the mediation fails, the matter may go to a formal hearing or “inquiry” before the Information and Privacy Commissioner. This inquiry should take place within 90 business days of the day you filed the review, but the time for this can be extended. The formal hearing is conducted by the Commissioner or his delegate, who will give both you and the agency an opportunity to present evidence and arguments (usually in writing, but sometimes oral). You will each be given a chance to respond to the other’s arguments, usually within seven days, after which the Commissioner will make a decision.

Under the Act, the Commissioner has the power to make an “order” which may either order the public body to release or withhold all or part of the requested information, or reduce or eliminate the fee government wants to charge.

Note: There is no fee for the review

3. Not Satisfied with the Commissioner’s Decision? Court - The Last Resort:

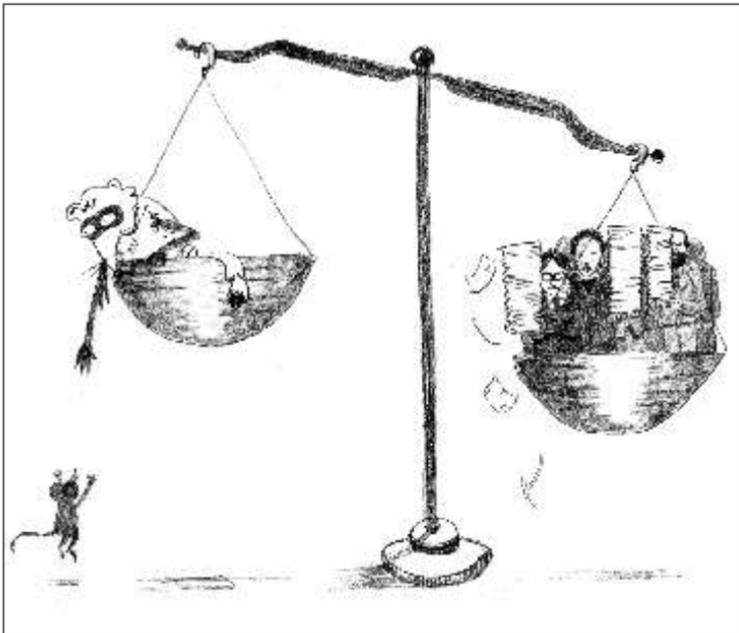
Orders made by the Commissioner are “final and binding”. However, you may proceed to the BC Supreme Court to have the Commissioner’s decision judicially reviewed, but only if the Commissioner has made a legal error. A court may disagree with the Commissioner’s decision, but unless a legal mistake has been made, the Commissioner’s decision will stand. If you decide to go to court, you will probably need to get legal help from a lawyer. Judicial review will involve complex and highly technical areas of the law. Try to find a lawyer who has experience in FOI cases.

If you cannot afford a lawyer, you may consider approaching law firms, public interest groups and law schools to represent you in court either for free or a nominal fee. West Coast Environmental Law Association, Sierra Legal Defence Fund, BC Public Interest Advocacy Centre, and the Environmental Law Centre Clinic at University of Victoria may be able to help you with legal issues.

Local and provincial environmental groups, universities, colleges, and libraries are additional resources that may be available to you.

Keep in mind that such organizations are often understaffed, under-funded, and over-committed. While your request may seem very important to you, it is up to the organization to decide whether your case is vital enough to justify committing their limited resources to it.

Whether you hire a lawyer or get free advice or legal representation through a firm or public interest group, you should make sure that all correspondence, notes and other background material concerning your FOI request are in good order.



"We need reinforcements... these scales won't tip themselves!"

Appendix 1

Request for Access to Records form

When you request records from a public body, you can use the Access Request Form found at

<http://www.oipcbc.org/HelpfulForms.htm>

Alternatively, you may just write a letter. (See below.)

Appendix 2

Sample of a Bad FOI Request Letter

Dear Sir,¹

My name is David Smith² and I am concerned about the construction of a smelter plant in my neighbourhood.

There was an article in the paper³ about a possible sale of land to Mega-Polluter Inc and I think the government probably has files on the proposed sale.^{4 & 5}

I don't want to pay a lot of money so I hope you can help me out.⁶

Sincerely⁷

David Smith

Problems:

1. Should be addressed to specific agency's office.
2. Should include contact information including address, phone number, etc.
3. Indicate the name and date of the newspaper.
4. Specify which department or agency.
5. Should specify the documents requested.
6. Give a reason for requesting a waiver or else avoid such language.
7. Does not indicate the purpose for which the information is requested.

Appendix 3

Sample Request For Records

[Adapted from the example given at:
www.fipa.bc.ca/library/Toolkit—Access_to_Govern-
ment_Records/BC_FOI_Request.doc]

[Date]

Information and Privacy Director

[Name of government body]

[Address]

Dear Information and Privacy Director:

Please send me the following records:

[Describe fully. See “Writing an FOI Request” above. For examples of things you might ask for, see below.]

I am making this request under the B.C. Freedom and Information and Protection of Privacy Act.

As soon as any significant part of this request is completed, please send that part of the information and records to me, rather than waiting until all the responsive records are compiled and sending them all at once.

If any of the records responsive to my request are available through routine release, or may be viewed in a local “reading room,” please inform me. *[Optional: If any of these records are in readable computer format, please send them by disc or email instead of on paper.]*

[Optional: Please excuse me from the requirement to pay any fees for the fulfillment of this request, as (choose one or more of the following):

- *I am making this request as a matter of public interest (You should be prepared to state a good justification. See the rules for what qualifies as*

public interest, discussed under “How Can I Get a Waiver of Fees”, above. A good public interest argument is that you will be using the information to inform the public about a matter of public interest, and this is reinforced when you can show that the matter has been the subject of broad public debate and that you have the capacity to make the information public.)

or

- *I am unable to afford payment (state your case)*

or

- *any other reason that makes it a matter of fairness that you should not be required to pay.]*

Please be advised that, if there are unreasonable fees, deletions or delays in your response to this request, I intend to appeal to the Information Commissioner at the earliest opportunity. If you wish to negotiate this request, please call or write me.

Sincerely yours,

[Your name, address, phone number, email]

What Documents Should I Ask For?

Unsure of what sort of documents you might like to request? Consider asking for records of government decision-making and regulatory activities about your issue of concern; copies of communications between government and a company; Government inspectors’ notes and photos, and environmental monitoring records; the reasons why a government official made a decision, and a record of the discussions of officials and others regarding your issue of concern; Company correspondence, records, and notes the government has on file, regarding your issue; other information which government possesses about your issue of concern, including scientific data, studies, reports, risk and other assessments, and statistical analyses which government has gathered; copies of other relevant documents, such as plans, policies, government manuals, etc.

For example, on a case involving proposals to fill in an area of Bay, one might ask for things like the following:

- A list of all scientific reports concerning the Bay or immediate vicinity.
- A list of all scientific data, including correspondence and reports, collected by Land and Water BC regarding filling of the Bay.
- Management Plan for the adjacent Park.
- All information on the success or failure of erosion control along the Bay, and any correspondence referencing erosion control.
- Any information on habitat alteration in the vicinity of the Bay.
- All correspondence including email between Ministry of Water, Land and Air Protection and federal agencies regarding the landfilling in the Bay.
- All Ministry of Water, Land and Air Protection documents after 1990 in opposition to the filling of the Bay, including memoranda and correspondence, between those agencies and the National Harbour Board.
- Any recommendations made by Environment Canada and DFO regarding the filling of the Bay.
- All correspondence and other communications between the Ministry of Water, Land and Air Protection and sponsors of the filling of the Bay, including the ABC Filling Company and the Municipality of Clueless.
- Memoranda and correspondence from the Joyful Park superintendent regarding the filling of the Bay.
- Inquiries from any members of the legislative assembly regarding the filling of the Bay.

Appendix 4

Sample Review Request Letters

Request for Review Form

You can use the Request for Review form found at <http://www.oipcbc.org/HelpfulForms.htm>

Or you can write a letter. See below for the type of information to include.

Sample Request for Review letter

[Date]

Information and Privacy Commissioner
Office of the Information and
Privacy Commissioner for British Columbia

[Address]

Dear [Name of Commissioner]:

Re: Request for review of the decision of the Ministry of _____ denying our Request for Information for the 2003-2004 pollution monitoring reports of Stinky Pulp Mill, Anywhere, BC, Ministry file # _____

We have recently received notice of the decision of the Ministry of _____, dated May 1, 2005, denying our Freedom of Information Request (“FOI Request”), dated February 20, 2002 wherein we requested access to the above-noted reports.

We request that the Information and Privacy Commissioner conduct a review of that decision pursuant to section 52(1) of the British Columbia *Freedom of Information and Protection of Privacy Act* (the “Act”). We have attached copies of our FOI Request, the Ministry’s denial of that request and other correspondence between us.

The Ministry has taken the position that [state the rationale given by the Ministry for its decision.]

We submit that the Ministry's decision is not supported by the law.

[Explain why. For example: *The Ministry is obliged to release these documents under s. 4 of the Act, and no provision of the Act exempts the Ministry from that obligation. The Ministry erred in claiming that the s. 13 exception for advice or recommendations to a Minister meant that the records did not need to be disclosed, because the documents were environmental monitoring records and are not "advice or recommendations."*

Here's an example paragraph regarding a different issue: *The Ministry erred in refusing to disclose 'April 14, 2003 notes' on the basis that they were exempted from disclosure under s. 12 because they would reveal the substance of deliberations of the Executive Council (Cabinet). However, those notes were not created for the Executive Council.*

Another example: *The Ministry erred in refusing to disclose two documents under s. 16 of the Act, claiming that disclosure could reasonably be expected to harm relations with the government of Manitoba. However, these documents can have no connection to relations with the government of Manitoba.*

Another example: *The Ministry erred by obviously not releasing all records. In all the records released there is a complete absence of handwritten records, yet there is evidence that numerous handwritten records were made.]*

We urge you to consider the circumstances of this case and conduct a review of the Ministry's decision. We look forward to your reply on this matter. Please feel free to contact me should you require additional information in respect of this request for review. Thank you for your attention.

Yours truly,

Jack Nimble

CleanClean Association

Sample Review Request on Denial of Fee Waiver

[Date]

Information and Privacy Commissioner
Office of the Information and
Privacy Commissioner for British Columbia
[Address]

Dear [Name of Commissioner]:

Re: the April 1, 2005 decision by J. Doe, Manager of Information, Privacy and Records of the Ministry of _____ (“the Manager”), to deny a fee waiver to Watershed Watch.

On behalf of Watershed Watch (“WW”), I request a review of the above-noted decision to deny a fee waiver. Attached are copies of all letters between WW and the Ministry on this matter. As you can see, the information I requested in my February 23, 2005 letter included:

“All information pertaining to Crown land properties in “Area B” of the S. Lake area that emanated from or was received by the office of Jack Doe, for the period starting April 1, 2002 to the present time.”

The Manager denied a fee waiver for the production of these records, stating that the WW application did not meet the public interest test outlined in section 75(5)(b) of the *Freedom of Information and Protection of Privacy Act* (“the Act”):

“The public associated with the ‘public interest’ reason for waiving otherwise payable fees under the Act is the public of British Columbia generally or, at the least, a significant subset of that public. S. Lake is a rather small community and cannot be accurately characterized as the public of BC generally, or a significant subset of that public. I am drawn to the conclusion that the scope of this issue is too particular to qualify for a fee waiver on the ‘public interest’ ground.”

I submit this application for review of the denial of a fee waiver under s. 75(5) of the Act on the following grounds:

- 1) The Manager of Information erred in failing to find that the records requested relate to a matter of public interest.
 - a. The WW application for records was an application for records relating to the environment, and thus relate to a matter of public interest.
 - b. The requested records also relate to a matter of public interest because the subject of the records has been a matter of recent public debate.
 - c. In addition, the requested records relate to a matter of public interest because dissemination and use of the records could benefit the public by disclosing an environmental and public health concern; contribute to the development, public understanding of, and debate on an important environmental and public health issue; and contribute to public understanding of an important government policy.
 - d. The requested records also relate to a matter of public interest because the records disclose how government is allocating resources.
 - e. Finally, the Manager erred in deciding that the S. Lake community is too small to constitute the “public” for the purposes of s. 75(5)(b) of the Act.
- 2) In addition, the waiver should have been granted because the primary purpose of the WW application was in pursuit of a public, not private, interest; and our intent is to disseminate the records to the public and relevant decision-makers.

Therefore, the application meets the two-part test for public interest fee waiver under s. 75(5)(b) of the Act.

In the alternative, the application should qualify for a fee waiver under s. 75(5)(a) of the Act, because WW cannot afford the fee required.

The two-part test that applies to public interest fee waiver issues

In Order 332-1999, the Information and Privacy Commissioner described the two-part test for determining if a public interest fee waiver is warranted under s. 75(5)(b) of the Act:

1. The head of the Ministry must examine the requested records and decide whether they relate to a matter of public interest (a matter of public interest may be an environmental or public health or safety matter, but matters of public interest are not restricted to those kinds of matters). The following factors should be considered in making this decision:
 - a) has the subject of the records been a matter of recent public debate?;
 - b) does the subject of the records relate directly to the environment, public health, or safety?;
 - c) could dissemination or use of the information in the records reasonably be expected to yield a public benefit by:
 - i. disclosing an environmental concern or a public health or safety concern?;
 - ii. contributing to the development or public understanding of, or debate on, an important environmental or public health or safety issue?; or
 - iii. contributing to public understanding of, or debate on, an important policy, law, program or service?;
 - d) do the records disclose how the Ministry is allocating financial or other resources?
2. If the head of a Ministry, as a result of the analysis outlined in paragraph 1, decides the records relate to a matter of public interest, the head must still decide whether the applicant should be excused from paying all or part of the estimated fee. In making this decision, the head should focus on who the applicant is and on the purpose for which the applicant made

the request. The following factors should be considered in doing this:

- a) is the applicant's primary purpose for making the request to use or disseminate the information in a way that can reasonably be expected to benefit the public or is the primary purpose to serve a private interest?
- b) is the applicant able to disseminate the information to the public?

The first stage of the two-part test:

Do the records relate to a matter of public interest?

According to Order 332-1999, in determining whether the records relate to the public interest, the head of a Ministry should consider the following factors:

a) Records that relate to the environment and public health

Records that relate to environmental or public health matters inherently relate to matters of public interest. The records WW seeks relate to developments that could further compromise the integrity of the S. Lake reservoir... Given the scale and proximity of these developments to the reservoir, their effect on the S. Lake reservoir environment and public health could be profound and long-lasting...

[Note: Goes on to explain why the requested records relate to environmental and health issues.]

According to Commissioner's Order 01-35, government's planning and regulatory activities in relation to developments that may impact the environment inherently relate to a matter of public interest. The documents in question include such planning and regulatory activities.

b) Other factors under the first stage of the two-part test in s. 75(5)(b)

Records can also be classified as relating to the public interest on the basis of other factors. If the subject of the records has been a

matter of recent public debate, they may qualify as being related to the public interest... *[Goes on to explain the amount of debate and media coverage of the issue.]*

Records can also relate to the public interest, if their dissemination or use could reasonably be expected to yield a public benefit by:

- i. disclosing an environmental concern or a public health or safety concern;
- ii. contributing to the development or public understanding of, or debate on, an important environmental or public health or safety issue; or
- iii. contributing to public understanding of, or debate on, an important policy, law, program or service;

In this case, disclosure of the records will contribute to public understanding of this important environmental and public health issue... *[Goes on to explain why dissemination will contribute to public debate.]*

It will also contribute to public understanding of an important policy... *[Goes on to explain why.]*

The records will also disclose how the Ministry is allocating resources... *[Goes on to explain why.]*

In summary, I submit that our application seeks records that relate to a matter of public interest, in a number of the ways contemplated by s.75(5)(b).

The second stage of the two-part test

The second stage of the two-part test indicates that the head of a Ministry should focus on who the applicant is and on the purpose for which the applicant made the request. Two factors should be considered in this consideration.

The first factor is whether the applicant's primary purpose for making the request is to use or disseminate the information in a way that can reasonably be expected to benefit the public — or

whether the primary purpose is to serve a private interest. [*Goes on to explain why the request serves a public, not a private, interest – for example, how members are not just concerned with their own property values, and come from different areas of the community.*]

The second factor is whether the applicant is able to disseminate the information to the public. [*Goes on to explain how the WW group can disseminate the information – for example through newsletters, website, press articles and letter, etc.*]

Additional relevant criteria under the second stage of the two-part test

[*Note: Discuss the following criteria, if relevant.*]

In Order 01-35 at paragraph 46, the Commissioner laid out five additional criteria that can be relevant to a head's exercise of discretion under the second stage of the two-part test:

- Whether a time limit was not met by the public body in responding to the request;
- The way that the public body responded to the request;
- Whether the applicant reasonably cooperated and worked constructively with the public body, when requested;
- Whether the applicant unreasonably rejected a proposal by the public body to reduce the costs of responding to the access request;
- Whether a fee waiver would shift an unreasonable cost burden from the applicant to the public body.

The Manager's fundamental error — Qualification of the applicant's interest as a "public interest"

WW seeks records that relate to land development that may impact the S. Lake community's water supply. In his letter dated April 13, 2004, the Manager stated that the S. Lake community "(could not) be accurately characterized as the public of British Columbia generally or a significant subset of that public."

However, the S. Lake community is clearly large enough to qualify as a “public” for the purposes of the “public interest” category.

In Order 01-35, the Commissioner found that the roughly 40 households in the watershed area that relied upon the watershed for domestic water were sufficiently large to qualify as “a public interest”. He stated: *“I have no hesitation in concluding that the roughly 40 households located in the watershed qualify as the “public”.*

Thus, contrary to the finding of the Manager, the residents of S. Lake must qualify as “the public”. S. Lake is a community of approximately 8,500 residents, most of whom receive their drinking water from the S. Lake reservoir. A community of 8,500 residents far exceeds the 40 households that the Commissioner qualified as “the public” in Order 01-35.

s. 75(5)(a) - Fee waiver on grounds of affordability

Alternatively, we submit that our application should be granted a fee waiver because of our inability to pay, under section 75(5)(a) of the Act.

WW cannot afford the \$810 fee. We are an incorporated non-profit society (See attached certificate of incorporation). Our total annual budget is _____. Our current bank balance is _____. (See attachments.)

Conclusion

In conclusion, I submit that our application should be granted a fee waiver either under s. 75(5)(b) or under s. 75(5)(a) of the Act. Thank you for your consideration.

Yours truly,

Jane Doe

Watershed Watch

Cc J. Doe

Appendix 5

Schedule of Maximum Fees

For locating and retrieving a record	\$7.50 per 1/4 hour after the first 3 hours
For producing a record manually	\$7.50 per 1/4 hour,
For producing a record from a machine readable record	\$16.50 per minute for cost of use of central mainframe processor and all locally attached devices plus \$7.50 per 1/4 hour for developing a computer program to produce the record,
For preparing a record for disclosure and handling a record	\$7.50 per 1/4 hour,
For Shipping copies	actual costs of shipping method chosen by applicant,

For Copying records

(1) Photocopies and computer printouts	\$.25 per page (8.5" x 11", 8.5" x 14") \$.30 per page (11" x 17"),
(2) floppy disks	\$10.00 per disk,
(3) computer tapes	\$40.00 per tape, up to 2400 feet,
(4) Microfiche	\$10.00 per fiche,
(5) 16 mm microfilm duplication	\$25.00 per roll,
(6) 35 mm microfilm duplication	\$40.00 per roll,
(7) microfilm to paper duplication	\$.50 per page,

- | | |
|--|---|
| (8) photographs - (colour or black and white) | \$5.00 to produce a negative
\$12.00 each for 16" x 20"
\$9.00 each for 11" x 14"
\$4.00 each for 8" x 10"
\$3.00 each for 5" x 7", |
| (9) photographic print of textual, graphic or cartographic record (8" x 10" black and white) | \$12.50 each, |
| (10) hard copy laser print, B/W, 300 dots/inch | \$.25 each, |
| (11) hard copy laser print, B/W, 1200 dots/inch | \$.40 each, |
| (12) hard copy laser print, colour | \$1.65 each, |
| (13) photomechanical reproduction of 105 mm cartographic record/plan | \$3.00 each, |
| (14) slide duplication | \$.95 each, |
| (15) Plans | \$1.00 per square metre, |
| (16) audio cassette duplication | \$10.00 plus \$7.00 per 1/4 hour of recording, |
| (17) video cassette (1/4" or 8 mm) duplication | \$11.00 per 60 minute cassette plus \$7.00 per 1/4 hour of recording;
\$20.00 per 120 minute cassette plus \$7 per 1/4 hour of recording, |
| (18) video cassette (1/2") duplication | \$15.00 per cassette plus \$11.00 per 1/4 hour of recording, and |
| (19) video cassette (3/4") duplication | \$40.00 per cassette plus \$11.00 per 1/4 hour of recording. |

Appendix 6

Federal Access to Information Act

If you are seeking information from a federal government body (for example Environment Canada, Health Canada, the RCMP), the Federal Access to Information Act governs such requests. For tips and advice on how to successfully make applications under this act, try the following Internet sites:

General overview of the rights and procedures set out under the federal Act, along with various tips to aid you in filing a successful application.

http://www.fipa.bc.ca/government_records/

Federal government's main Access to Information Act website ("Info Source"), with forms, addresses, background:

http://www.tbs-sct.gc.ca/pubs_pol/gospubs/tbm_121/siglist_e.html

Information Commissioner of Canada website:

www.infocom.gc.ca/

Canadian "Open Government" coalition and some quick info on the federal Act:

www.nfoic.org/web/resource/canada/canada.htm