

**NOVA SCOTIA FREEDOM OF INFORMATION  
AND PROTECTION OF PRIVACY ACT**

**A REQUEST FOR REVIEW** of the amount of the fee being charged for access to documents from the **PREMIER'S OFFICE**.

**REVIEW OFFICER:** Darce Fardy

**REPORT DATE:** August 12, 2002

**ISSUE:** Whether the fee being charged by the Premier's Office is reasonable.

In a Request for Review under the **Freedom of Information and Protection of Privacy Act**, the Applicant asked that I review the fee estimate provided by the Premier's Office for records related to the travel expenses claimed by and paid to members of the Premier's Office, including the Premier, "by month . . . for the period August 1999 to December 2001."

During discussions between the Applicant and the Premier's Office, the Applicant reduced the Application to cover the expenses of four named officials as well as the Premier. He was then provided with an estimate of \$1000.00 (\$960.00 lower than the original estimate before the number of people was reduced and \$200.00 less than the second estimate) in accordance with **Section 11(1)** of the **Act**. He was told that the processing of the application would begin when the estimate was paid. If the estimate was found to be inflated the Applicant would be reimbursed the difference.

**Section 11(2)** allows a public body to charge fees for

- (a) locating, retrieving and producing the record;

- (b) preparing the record for disclosure;
- (c) shipping and handling the record;
- (d) providing a copy of the record.

The fees to charge are found in the Regulations under section 6. (The fee was prepared before fees were increased effective April 4.) The charge at the time of the Application was \$10.00 a half hour for time spent on the first three activities in s.11(2), and 20-cents a page for copying.

The Applicant was told that about four thousand pages, from three different locations, had to be processed.

In a representation to the Review, the Premier's Office explained why the relevant documents were found in three locations: The Speaker's Office, the Department of Justice and the Premier's Office. I was told the Speaker's Office provided administrative support to the Premier's Office during part of the time-period covered in the application. It now administers the Premier's travel as a Member of the Legislature while the Department of Justice administers his travel as Premier. Documents had to be retrieved from these two locations as well as from the Premier's Office.

**Conclusions:**

Given the large number of documents requiring searching, which I have seen, I accept the estimate of the time it would take the Premier's Office to process the documents. However, I believe there is general acceptance within government of the need to improve records management.

In past Reviews, I have supported the imposition of fees when they are reasonable. The time spent gathering and processing the information should not be the only gauge used in assessing fees. In my view, public bodies should consider several questions when determining how much to charge:

- Is the application reasonable and was the applicant open to considering requests to narrow the scope of the application?
- Would improved records management result in lower fees?
- Does the information sought meet factors I have proposed for public bodies to consider when determining when a matter is one of public interest? (See my Review FI-00-91)
- Is the fee so high as to inhibit access to information that a public body agrees could be released in whole or in part?

In my view, with the exception of the third question, the responses to the others should encourage the Premier's Office to revisit the estimate it provided.

**Recommendations:**

- While I do not intend to suggest what would be regarded as a reasonable fee, I recommend that the Premier's Office substantially reduce the estimate quoted to the Applicant.
- I also recommend, given that the travel expenses of public servants are a likely subject for an application for access, that the Premier's Office consider such documents for routine disclosure, accessible from a central

source.

**Section 40** requires the Premier's Office to make a decision on my recommendations within thirty days of receiving them and to notify the Applicant and the Review Officer in writing of that decision.

**DATED** this 12<sup>th</sup> day of August, 2002, in Halifax, Nova Scotia.

---

Darce Fardy, Review Officer