

Page 01 of 97 to/à Page 43 of 97

Withheld pursuant to/removed as

s.12

DECISION NOTE

Advice to Minister Beare

Date: September 24, 2021

CLIFF#: 115782

ISSUE: Freedom of Information (FOI) Application Fee

BACKGROUND:

s.12; s.13

In FY2020/21, one FOI requester was responsible for 56% of all general FOI requests. s.13
s.13

s.13

s.12; s.13

DISCUSSION:

The fee is not intended to be a barrier to access and will be set within the range of similar fees charged by other Canadian jurisdictions (i.e., \$5 – \$25, see Appendix A). As a result, the fee will be set at an amount that is not intended to recover the full cost—or even a significant portion of the costs—of operating an access to information program.

The fee would be charged for each request for each public body. For example, if the same request is submitted 20 ministries, 20 application fees will be charged s.13
As such, the new proposed application fee is s.13
s.13

s.13

s.12; s.13

OPTIONS:

Option 1: s.12; s.13
s.12; s.13

Option 2: s.12; s.13
s.12; s.13

Option 3: s.12; s.13
s.12; s.13

RECOMMENDATION: s.12; s.13

APPROVED

~~NOT APPROVED~~

OPTION 2



Lisa Beare
Minister

2021-10-01

Date

Attachment(s): Appendix A – FOI Application Fees in Other Canadian Jurisdictions
Appendix B – Fee Amount Scenarios and Projections

Contact: Kerry Pridmore, 778 698-1591

Appendix A: FOI Application Fees in Other Canadian Jurisdictions

Jurisdiction	Application Fee
British Columbia (Current)	No Fee
British Columbia (Proposed)	To be determined in future regulation
Alberta	\$25 for first request / \$50 per continuing request
Saskatchewan	\$20 per requests to local governments
Manitoba	No Fee
Ontario	\$5 per request
Quebec	No Fee
Nova Scotia	\$5 per request
New Brunswick	No Fee
Prince Edward Island	\$5 per request
Newfoundland and Labrador	No Fee
Yukon	No Fee
Northwest Territories	No Fee
Nunavut	\$25 per request
Canada	\$5 per request

Page 48 of 97 to/à Page 49 of 97

Withheld pursuant to/removed as

s.12 ; s.13

Page 50 of 97

Withheld pursuant to/removed as

s.12

ID: 17021, Title: Sept 28 Roundtable - FOI Application Fee - Decision to seek TB approval for fee amount

Approval Route: ADM Pridmore --> EFO Skinner --> AssocDM Ritchie --> DM Brouwer --> Minister Beare
Assigned To: GCIO Office **Rush:** Yes **Category:** Briefing Note - Decision Note **Signature:** Deputy Minister
Branch: CIO-CIRMO-SPL **Other Number:** 115782 **Link:**
Due Date: 9/24/2021 **Date Completed:** N/A **Date Initiated:** 9/10/2021

Title	Comments	Date
Jarmson, Lindsay [Assignee] forwarded an eApprovals item to GCIO Office for action	Files/Closing	10/4/2021, 10:27:44 AM
Jarmson, Lindsay [Colleague of Deputy Minister's Office, CITZ] forwarded an eApprovals item to Jarmson, Lindsay for action		10/4/2021, 8:26:06 AM
Cook, Jeannette CITZ:EX [Assignee] forwarded an eApprovals item to Deputy Minister's Office, CITZ for action	Pls update CLIFF/LAN with material & approval history. Return for files. Thx.	10/1/2021, 3:11:50 PM
Cook, Jeannette CITZ:EX added a document: 115782 MIN DBN - Seek TB Approval on FOI Application Fee (signed).pdf		10/1/2021, 3:10:44 PM
Cook, Jeannette CITZ:EX added a document: 115782 MIN DBN - Seek TB Approval on FOI Application Fee (signed).pdf		10/1/2021, 3:00:23 PM
Leppard, Brianna [Assignee] forwarded an eApprovals item to Cook, Jeannette CITZ:EX for action	Hi Jeannette - MLB's e-sig has been applied to the DBN, approving option 2. Thank you.	10/1/2021, 11:44:06 AM
Lawal, Kassandra [Assignee] forwarded an eApprovals item to Leppard, Brianna for action	Option 2 approved. Please apply MLB's esig.	10/1/2021, 11:30:26 AM
Leppard, Brianna [Assignee] forwarded an eApprovals item to Lawal, Kassandra for action	Hi Kass - as previously discussed, please see attached DBN for MLB's signature. Thank you.	10/1/2021, 8:37:06 AM
Cook, Jeannette CITZ:EX [Assignee] forwarded an eApprovals item to Leppard, Brianna for action	Decision note discussed at Sept 28 roundtable. MLB approved ^{s.13} Returning for sign-off. Thx.	9/29/2021, 2:29:33 PM
McEwen, Shay [Assignee] forwarded an eApprovals item to Cook, Jeannette CITZ:EX for action	Materials under review but still uploaded to calendar. Issues to be addressed at MRT.	9/27/2021, 4:33:46 PM
Lawal, Kassandra [Assignee] forwarded an eApprovals item to McEwen, Shay for action	Materials under review with DMO -- please upload to calendar. We will address in MRT.	9/27/2021, 4:33:03 PM
McEwen, Shay [Assignee] forwarded an eApprovals item to Lawal, Kassandra for action	Materials for Roundtable for your review. FOIPPA update. Thank you	9/27/2021, 9:48:25 AM
Cook, Jeannette CITZ:EX [Assignee] forwarded an eApprovals item to McEwen, Shay for action	Material for Sept 28 roundtable - FOIPPA Update. Thx.	9/24/2021, 4:14:28 PM
Cook, Jeannette CITZ:EX made some changes to this item's details		9/24/2021, 4:14:06 PM

Title	Comments	Date
Brouwer, Shauna [Assignee] approved the item and forwarded it to Cook, Jeannette CITZ:EX for action	approved	9/24/2021, 4:03:54 PM
Pridmore, Kerry CITZ:EX [Assignee] approved the item and forwarded it to Brouwer, Shauna for action	Approved	9/24/2021, 3:19:30 PM
Laidlaw, Susan CITZ:EX [Assignee] forwarded an eApprovals item to Pridmore, Kerry CITZ:EX for action	Implications for each option updated, as per DM comments	9/24/2021, 3:15:31 PM
Pridmore, Kerry CITZ:EX [Assignee] forwarded an eApprovals item to Laidlaw, Susan CITZ:EX for action		9/24/2021, 2:51:39 PM
Brouwer, Shauna [Assignee] forwarded an eApprovals item to Pridmore, Kerry CITZ:EX for action	The options should indicate three things: the revenue generated; costs avoided and how it aligns with other jurisdictions - I would rather not comment in our advice on how it would be perceived unless we have done that public survey work? or as part of our consultation if so it can stay in and please add other elements. thx	9/24/2021, 2:44:43 PM
Cook, Jeannette CITZ:EX [Assignee] forwarded an eApprovals item to Brouwer, Shauna for action	Updated MLB info note for approval for Sept 28 roundtable.	9/24/2021, 11:31:51 AM
Pridmore, Kerry CITZ:EX [Assignee] approved the item and forwarded it to Cook, Jeannette CITZ:EX for action	Approved - with edits	9/24/2021, 11:29:18 AM
Laidlaw, Susan CITZ:EX [Assignee] forwarded an eApprovals item to Pridmore, Kerry CITZ:EX for action	Note Updated. Appendix B removed.	9/24/2021, 11:26:47 AM
Laidlaw, Susan CITZ:EX deleted a document: Appendix B - Financial Analysis of Fee Costs and Revenues.docx		9/24/2021, 10:53:04 AM
Brown, Taylor J CITZ:EX [Colleague of GCIO Office] forwarded an eApprovals item to Laidlaw, Susan CITZ:EX for action	for rush updates	9/24/2021, 10:40:08 AM
Jarmson, Lindsay made some changes to this item's details		9/24/2021, 10:18:38 AM
Jarmson, Lindsay [Assignee] forwarded an eApprovals item to GCIO Office for action	RUSH Kerry's group requesting one last round of edits - we need back asap please	9/24/2021, 10:18:31 AM
Jarmson, Lindsay [Colleague of Deputy Minister's Office, CITZ] forwarded an eApprovals item to Jarmson, Lindsay for action		9/23/2021, 4:19:01 PM
Cook, Jeannette CITZ:EX [Assignee] forwarded an eApprovals item to Deputy Minister's Office, CITZ for action	Pls save / return. Thx.	9/23/2021, 2:59:08 PM
McEwen, Shay [Assignee] forwarded an eApprovals item to Cook, Jeannette CITZ:EX for action	Materials approved and uploaded to calendar. Thanks!	9/23/2021, 2:48:20 PM

Title	Comments	Date
Lawal, Kassandra [Assignee] forwarded an eApprovals item to McEwen, Shay for action	Materials approved. Please upload to calendar.	9/23/2021, 2:37:47 PM
McEwen, Shay [Assignee] forwarded an eApprovals item to Lawal, Kassandra for action	Materials for 5:15 meeting today for approval please	9/23/2021, 2:19:06 PM
Cook, Jeannette CITZ:EX [Assignee] forwarded an eApprovals item to McEwen, Shay for action	Material for meeting later today.	9/23/2021, 1:56:35 PM
Brouwer, Shauna [Assignee] approved the item and forwarded it to Cook, Jeannette CITZ:EX for action	For 5 pm call today with MLB after Caucus thx	9/23/2021, 1:48:55 PM
Molyneux, Jennifer CITZ:EX [Colleague of Deputy Minister's Office, CITZ] forwarded an eApprovals item to Brouwer, Shauna for action	I've been advised by telephone that Kerry has approved verbally but was having difficulty approving on her phone. Moving eApp to you for your review and approval.	9/23/2021, 1:41:47 PM
Desaulnier, Vicki [Colleague of Pridmore, Kerry CITZ:EX] approved the item and forwarded it to Deputy Minister's Office, CITZ for action	Approved by ADM Kerry Pridmore.	9/23/2021, 1:38:02 PM
Laidlaw, Susan CITZ:EX [Assignee] forwarded an eApprovals item to Pridmore, Kerry CITZ:EX for action	Updates made to the DN and Appendices B and C. No edits were required to Appendix A.	9/23/2021, 12:54:11 PM
Pridmore, Kerry CITZ:EX [Assignee] forwarded an eApprovals item to Laidlaw, Susan CITZ:EX for action	Edits as discussed	9/23/2021, 12:13:55 PM
Molyneux, Jennifer CITZ:EX [Site Admin] forwarded an eApprovals item to Pridmore, Kerry CITZ:EX for action	Forwarding as per your request for edits.	9/23/2021, 12:06:15 PM
Pridmore, Kerry CITZ:EX [Assignee] approved the item and forwarded it to Brouwer, Shauna for action	Approved - yes, fee fine issue paper coming once approved cost is confirmed	9/23/2021, 9:35:16 AM
Laidlaw, Susan CITZ:EX [Assignee] forwarded an eApprovals item to Pridmore, Kerry CITZ:EX for action	Note and Appendix C updated. Changes tracked.	9/23/2021, 9:32:16 AM
Pridmore, Kerry CITZ:EX [Assignee] forwarded an eApprovals item to Laidlaw, Susan CITZ:EX for action	can you make these adjustments please.	9/22/2021, 4:36:05 PM
Brown, Taylor J CITZ:EX [Colleague of GCIO Office] forwarded an eApprovals item to Pridmore, Kerry CITZ:EX for action	Hi Kerry - please see DM requested edits in comments below	9/22/2021, 4:34:52 PM
Jarmson, Lindsay [Colleague of Deputy Minister's Office, CITZ] forwarded an eApprovals item to GCIO Office for action	For edits and suggestions as per DM Brouwer below please	9/22/2021, 2:25:16 PM

Title	Comments	Date
Cook, Jeannette CITZ:EX [Assignee] forwarded an eApprovals item to Deputy Minister's Office, CITZ for action	Pls see DM comments below. Thx.	9/22/2021, 2:04:20 PM
Brouwer, Shauna [Assignee] forwarded an eApprovals item to Cook, Jeannette CITZ:EX for action	Ask to change to the Minister - this is her decision; also is the branch doing a fee issue paper or is this to just draft the regulation now and we will later follow up with Fee issue paper for TB?; suggest in appendix on impact of the fees we add an analysis of the gartner total cost of 40 Million and a cost avoidance estimates slide with the declining requests due to fees.	9/22/2021, 1:45:29 PM
Cook, Jeannette CITZ:EX [Assignee] forwarded an eApprovals item to Brouwer, Shauna for action	DM decision note for approval on FOI application fee. Note program area requesting approval by Sept 24.	9/22/2021, 11:12:57 AM
Jarmson, Lindsay [Colleague of Deputy Minister's Office, CITZ] forwarded an eApprovals item to Cook, Jeannette CITZ:EX for action	for your review and approval - due back with DM eSig by Sept 24	9/22/2021, 10:15:11 AM
Brown, Taylor J CITZ:EX [Colleague of GCIO Office] forwarded an eApprovals item to Deputy Minister's Office, CITZ for action	for DM review and approval	9/22/2021, 9:13:50 AM
Ritchie, CJ CITZ:EX [Assignee] approved the item and forwarded it to GCIO Office for action	No Comment	9/21/2021, 5:47:15 PM
Brown, Taylor J CITZ:EX [Assignee] forwarded an eApprovals item to Ritchie, CJ CITZ:EX for action	for your review and approval	9/21/2021, 5:45:30 PM
Biggs, Jackie CITZ:EX [Colleague of Skinner, Dean C CITZ:EX] forwarded an eApprovals item to Brown, Taylor J CITZ:EX for action	Hi Taylor, approved by Dean. For CJ's review/approval prior to sending to the DM	9/21/2021, 4:41:18 PM
Biggs, Jackie CITZ:EX [Assignee] forwarded an eApprovals item to Skinner, Dean C CITZ:EX for action	Hi Taylor, approved by Dean for CJ's approval then onto the DMO	9/21/2021, 4:38:51 PM
Biggs, Jackie CITZ:EX made some changes to this item's details		9/21/2021, 4:37:37 PM
Skinner, Dean C CITZ:EX [Assignee] approved the item and forwarded it to Biggs, Jackie CITZ:EX for action	approved	9/21/2021, 4:37:10 PM
Owen, Tim CITZ:EX [Assignee] approved the item and forwarded it to Skinner, Dean C CITZ:EX for action	Approved. Please see Tony's comments.	9/21/2021, 4:33:09 PM
Dierick, Tony CITZ:EX [Assignee] approved the item and forwarded it to Owen, Tim CITZ:EX for action	Hi Tim, materials look good for EFO/DM consideration. Includes proposed fee analysis in appendices at different rates. Original TB sub addresses the existing fee based on hours estimate and impact that has had.	9/21/2021, 9:54:59 AM
Owen, Tim CITZ:EX [Assignee] forwarded an eApprovals item to Dierick, Tony CITZ:EX for action	Per message. Thanks.	9/15/2021, 1:52:24 PM

Title	Comments	Date
Biggs, Jackie CITZ:EX [Assignee] forwarded an eApprovals item to Owen, Tim CITZ:EX for action	Tim, as discussed. Due back to ADMO on September 17th	9/14/2021, 4:32:51 PM
Biggs, Jackie CITZ:EX made some changes to this item's details		9/14/2021, 4:32:12 PM
Desaulnier, Vicki [Assignee] forwarded an eApprovals item to Biggs, Jackie CITZ:EX for action	Hi Jackie- Please have Dean review and approve.	9/14/2021, 4:09:30 PM
Pridmore, Kerry CITZ:EX [Assignee] approved the item and forwarded it to Desaulnier, Vicki for action	Approved	9/14/2021, 10:54:48 AM
Desaulnier, Vicki [Assignee] forwarded an eApprovals item to Pridmore, Kerry CITZ:EX for action	Hi Kerry- For your approval.	9/13/2021, 8:15:57 AM
Desaulnier, Vicki made some changes to this item's details		9/13/2021, 8:15:26 AM
Laidlaw, Susan CITZ:EX [Assignee] forwarded an eApprovals item to Desaulnier, Vicki for action		9/10/2021, 4:28:06 PM
Laidlaw, Susan CITZ:EX added a document: Appendix A - FOI Application Fees in Other Canadian Jurisdictions.docx		9/10/2021, 4:27:26 PM
Laidlaw, Susan CITZ:EX added a document: Appendix C - Fee Amount Scenarios and Projections - v01.docx		9/10/2021, 4:27:26 PM
Laidlaw, Susan CITZ:EX added a document: Appendix B - Financial Analysis of Fee Costs and Revenues.docx		9/10/2021, 4:27:26 PM
Laidlaw, Susan CITZ:EX added a document: DN DM - Seek TB Approval on FOI Application Fee - v10.docx		9/10/2021, 4:27:25 PM
Laidlaw, Susan CITZ:EX created this item	Matt Reed (ED, Strategic Policy & Legislation) has reviewed and approves	9/10/2021, 4:27:25 PM

FOI Application Fees:

Fast Facts

- 4 provinces (Alberta, Ontario, PEI & Nova Scotia), 2 territories (NWT & Nunavut) & federal govt charge application fees for access to information requests.
- Ontario is the only Canadian jurisdiction that charges an application fee for personal information requests.
- The highest application fees:
 - NWT & Nunavut charge a \$25 application fee for general requests.
 - Alberta charges \$25 for a one-time general request and \$50 for continuing general requests.
- Ontario, PEI, Nova Scotia and the federal government all charge a nominal \$5 application fee for general access to information requests.
- Median application fee across Canada is \$5, and average is \$10 (includes provinces that don't charge fees)

Page 57 of 97 to/à Page 97 of 97

Withheld pursuant to/removed as

s.12 ; s.13