# File: 292-30\[REQUESTNUMBER]

Your File: [CUSTOMFIELD60]

# [TODAYDATE]

# Sent via email: [RQREMAIL]

[ADDRESS]

Dear [RFNAME] [RLNAME]:

# Re: Request for Access to Records – Revised Fee Estimate

# *Freedom of Information and Protection of Privacy Act* (FOIPPA)

I am writing further to your request received by the Ministry of Agriculture and Food. You narrowed your request on Date through conversation and/or email with [ANALYST]. Your request is for:

*[REQUESTDESCRIPTION]*

We are issuing you a revised fee estimate as a result of changes to elaborate on what led up to this revised estimate such as:

* The wording of your request?
* The volume of records located – was this underestimated in the first estimate, or did this change as a result of new wording?
* The time required to conduct a search – was this underestimated in the first estimate, or did this change as a result of new wording?

The fee of [INVOICEAMOUNT] has been calculated as per the attached Fee Summary.

Wherever possible, provide an explanatory note about the fee estimate if it will help the applicant understand how the fee was calculated.Change the blue font to black in the above paragraph and throughout if you are issuing a preliminary fee for search time only (where other chargeable items cannot be estimated without delay) if you choose this option follow up with a second letter once the estimate has been confirmed. If not, delete the blue text in the above section.

Your request has been placed on hold; you have **20 business days** to respond to this letter. If we do not hear from you by **Date**, we will consider your request abandoned and close the file.

Section 75(1) of FOIPPA provides that we may charge a fee for certain limited costs of processing your request. However, the first three hours to search for records and any time spent reviewing and/or severing information from the records is not charged to you. A copy of section 75 is enclosed for your reference. A complete copy of FOIPPA is available online at:

<http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00>

There are three options to respond, detailed below.

**1 – FURTHER NARROW YOUR REQUEST TO REDUCE OR ELIMINATE FEES**

You may wish to consider additional options to further reduce or possibly eliminate the fee estimate, such as:

* Reducing the time period for which you have requested records, or
* Requesting records from specific staff members or program areas in the Ministry, or
* Requesting specific types of records (e.g. final versus draft, correspondence, briefing notes, reports).
* Requesting electronic copies of the records.

1. A more comprehensive fee estimate reflecting all chargeable items may be provided at a later date. I will work with you to try to find an efficient and cost effective method in which to provide records.

**2 – PAY THE FEE ESTIMATE**

If the fee estimate is $200.00 or less, request full payment from the applicant. If the fee estimate exceeds $200.00, request a 50% deposit from the applicant.

Due to the amount of the estimate, we will require a deposit in the amount of $0000.00. Where a balance of fees is owed, payment must be received prior to the release of the records. We will notify you if a balance is due. Your request will be placed on hold pending receipt of final payment.

If you have received the option to pay a fee estimate for an FOI request online, watch this video to learn how to pay the fee estimate online: <https://www.youtube.com/watch?v=H6R2cFnlwQM>

If the online payment option is not available to you, please contact IAO to pay by phone. Fee payments are accepted 8:30 am to 4:30 pm PST Monday to Friday, excluding statutory holidays, by phone at 250-387-1321 option 2. If you are calling from outside of Victoria, please call toll-free at 833-283-8200 option 2. All major credit cards are accepted. Credit card payments will appear on your statement as “BC Gov - FOI”. If a refund is required, details will be provided at that time.

Alternatively, payments may be made by cheque or money order, payable to the Minister of Finance. Quote your file number and mail it to:

Attn: [PRIMARYUSERNAME]

Information Access Operations

Ministry of Citizens’ Services

PO Box 9569 Stn Prov Govt

Victoria BC V8W 9K1

Upon receipt of payment, we will resume processing your request. All reasonable efforts have been made to generate an accurate estimate.

You will be required to pay the actual cost whether it is higher or lower than the estimate. If it appears that the actual cost of processing the request will be different than the original fee estimate, we may issue a revised estimate.

**3 – REQUEST A FEE WAIVER**

In certain circumstances fees may be partially or entirely waived. We have enclosed a Fee Waiver Information Sheet for your convenience.

1. If you have any questions regarding your request, please contact [PRIMARYUSERNAME], the analyst assigned to your request, at [PRIMARYUSERPHONE]. This number can also be reached toll-free at 1 833 283-8200. Please provide the FOI request number, found at the top right of the first page of this letter, in any communications.
2. You have the right to ask the Information and Privacy Commissioner to review this decision. I have enclosed information on the review and complaint process.

Sincerely,

[PRIMARYUSERNAME], [PRIMARYUSERTITLE]

Information Access Operations

Enclosures

**75 Fees**

(1) The head of a public body may require an applicant who makes a request under section 5 to pay to the public body the following:

(a) a prescribed application fee;

(b) prescribed fees for the following services:

(i) locating and retrieving the record;

(ii) producing the record;

(iii) preparing the record for disclosure, except for time spent severing information from the record;

(iv) shipping and handling the record;

(v) providing a copy of the record.

(2) Subsection (1) (b) (i) does not apply to the first 3 hours spent on a request.

(3) Subsection (1) does not apply to a request for the applicant's own personal information.

(4) If an applicant is required to pay fees for services under subsection (1) (b), the head of the public body

(a) must give the applicant a written estimate of the total fees before providing the services, and

(b) may require the applicant to pay a deposit in an amount set by the head of the public body.

(5) If the head of a public body receives an applicant's written request to excuse payment of all or part of the fees required under subsection (1) (b), the head of the public body may excuse payment, if, in the head of the public body's opinion,

(a) the applicant cannot afford the payment or for any other reason it is fair to excuse payment, or

(b) the record relates to a matter of public interest, including the environment or public health or safety.

(6) The head of a public body must respond to a request under subsection (5) in writing and within 20 days after receiving the request.

(7) The fees that prescribed categories of applicants are required to pay for services under subsection (1) (b) may differ from the fees other applicants are required to pay for the services but may not be greater than the actual costs of the services.

**Fee Waiver Information Sheet**

You have the right to request a fee waiver. Section 75(5) of the Freedom of Information and Protection of Privacy Act (the Act) sets out the rules regarding when a fee waiver may be granted by a public body. If you decide to request a fee waiver, you bear the burden of proof to establish that a waiver should be granted. You must demonstrate that:

1. You cannot afford the payment or for any other reason it is fair to excuse payment, or
2. The record relates to a matter of public interest, including the environment or public health or safety.

Please send your fee waiver request in writing and provide detailed evidence and reasons to support your case. You may mail or email this information to the analyst processing your request. Their contact information is provided in the body of the letter.

The Ministry will consider these factors when assessing whether or not to grant a fee waiver request:

1. **Inability to pay:**

In order for the head of a public body to consider waiving or reducing the fee for reasons of inability to pay, you must provide sufficient evidence to allow the public body to make a fair determination. Sufficient evidence could include a financial statement, pay stub, bank statement or Canada Revenue Agency Notice of Assessment. ([Commissioner’s Order 79-1996](http://www.oipc.bc.ca/orders/1996/Order79.html) and [2001-04](http://www.oipc.bc.ca/orders/2001/Order01-04.html)).

1. **Public Interest:**

In order for the head of a public body to consider waiving or reducing the fee because the records relate to a matter of public interest, you must provide sufficient evidence in support of the following factors:

* Has the information been the subject of recent public debate?
* Does the subject matter of the record relate directly to the environment, public health, or safety?
* Would dissemination of the information yield a public benefit by
* disclosing an environmental, public health or safety concern
* contributing meaningfully to the development or understanding of an important environmental, health, or safety issue, or
* assisting public understanding of an important policy, law, program, or service?
* Do the records show how the public body is allocating financial or other resources?

If the head decides that the records do relate to a matter of public interest, then he or she must then determine whether you should be excused from paying all or part of the estimated fees. Factors that should be considered would include:

* Is your primary purpose to disseminate information in a way that could reasonably be expected to benefit the public, or to serve a private interest?
* Are you able to disseminate the information to the public?

If your primary purpose is to serve a private interest, then the head may be justified in refusing the waive fees, even where he or she is of the opinion that the records do relate to a matter of public interest. ([Commissioner’s Order 155-1997](http://www.oipc.bc.ca/orders/1997/Order155.html)).

# How to Request a Review with the

# Office of the Information and Privacy Commissioner

If you have any questions regarding your request please contact the analyst assigned to your file. The analyst’s name and telephone number are listed in the attached letter.

Pursuant to section 52 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), you may ask the Office of the Information and Privacy Commissioner to review any decision, act, or failure to act with regard to your request under FOIPPA.

**Please note that you have 30 business days to file your review with the Office of the Information and Privacy Commissioner. In order to request a review please write to:**

Information and Privacy Commissioner

PO Box 9038 Stn Prov Govt

4th Floor, 947 Fort Street

Victoria BC V8W 9A4

Telephone 250 387-5629 Fax 250 387-1696

If you request a review, please provide the Commissioner's Office with:

1. A copy of your original request;
2. A copy of our response; and
3. The reasons or grounds upon which you are requesting the review.