



The Best Place on Earth

January 10, 2012

File: 292-30/FIN-2011-00213

Jonathan Chapnick
Legal Counsel, Hospital Employees' Union
On Behalf of the BC Community Living Action Group
5000 North Fraser Way
Burnaby BC V5J 5M3

Dear Jonathan Chapnick:

**Re: Freedom of Information and Protection of Privacy Act (the Act)
Notice of Fee Estimate – Our Reference File #FIN-2011-00213**

On January 10, 2012, you spoke and emailed to Cheryl FitzSimons, narrowing your request to:

Regarding Information Bulletin 2011SD0018-001354:

- *Records indicating the terms of reference for and members of the Audit Team.*
- *Any Audit Team meeting notes or minutes.*
- *Any reports, briefing notes, memoranda or other materials prepared by the Audit Team.*
- *A list of documents reviewed by the Audit Team.*
- *Records indicating the individual and/or types of individuals (e.g. CLBC Staff, CLBC clients, family members of clients) interviewed by the Audit Team.*

Section 75(1) of the Act provides that we may charge a fee for certain limited costs of processing your request. The cost of 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.

We have determined there is a fee for processing your narrowed request. The fee is estimated to be \$3210.00. We have calculated the amount as follows:

82 hrs. to locate and retrieve records @ \$30.00/ hr. =	\$2460.00
25 hrs. to prepare the records for disclosure @ \$30.00/hr. =	<u> \$750.00</u>
Total =	\$3210.00

Due to the amount of the estimate, we will require a deposit of \$1605.00. Please send a cheque or money order payable to the Minister of Finance, referencing the file #FIN-2011-00213, to the following address:

Information Access Operations
Ministry of Citizens' Services
PO Box 9569 Stn Prov Govt
Victoria BC V8W 9K1
Attn: Cheryl FitzSimons

..../2

Upon receipt of a deposit, we will proceed with your request. All reasonable efforts have been made to generate an accurate estimate. However, you will be required to pay the actual cost whether it is higher or lower than the estimate. If it appears that the final cost of processing the request will be higher than the original fee estimate, we may issue a revised estimate.

If you do not wish to pay the fee estimate, you have the following options: Fees may be partially or entirely waived if you can demonstrate an inability to pay or there is another reason that justifies excusing the fee. You may also seek a fee waiver if you believe the records relate to a matter of public interest. BC Information and Privacy Commissioner Order # 332-1999 (<http://www.oipc.bc.ca/orders/1999/Order332.html>) may assist you in determining whether to request a public interest fee waiver. For any of the reasons noted above, the applicant bears the burden of proof to establish that a waiver should be granted. If you believe we should waive the fee in your case, please send us your request in writing and provide detailed evidence and reasons to support your case. A simple statement of inability to pay for example will not be considered sufficient evidence to support a fee waiver.

Alternatively or in addition, you can discuss with the analyst processing your request options to reduce, or possibly eliminate the fee estimate. For example, you could reduce the time period for which you have requested records. Or, records from specific staff members or program areas in the ministry may be sufficient to provide the information you are seeking. Your analyst, Cheryl FitzSimons; 250-387-6097 will work with you to try to find an efficient and cost effective method in which to provide records.

If after exploring the options outlined above regarding fees, or if for any other reason you are unsatisfied with the Ministry's response, you have the right to ask the Information and Privacy Commissioner to investigate the matter (see enclosure).

If you do not respond to this letter within 10 business days, by January 24, 2012, we will consider your request abandoned. Should you abandon your request now, you may submit a new request at a later date. You should also be aware that while the Act imposes an obligation on the ministry to respond to your request within a specified time, the period of time that elapses while we are waiting for your cheque or money order or considering your request for waiver will not be included in the calculation of our response time.

Yours truly,



for: Russ Fuller
Manager Business and Infrastructure Team
Information Access Operations

Enclosure

REVIEWS AND COMPLAINTS

Under section 52 of the *Freedom of Information and Protection of Privacy Act* (the Act), you may ask the Information and Privacy Commissioner to review the ministry's decision, act or failure to act as it relates to this request. The Act allows you 30 days from the day you receive this notice to request a review by writing to:

Information and Privacy Commissioner
PO Box 9038, Stn. Prov. Govt
3rd Floor, 756 Fort Street
Victoria BC V8W 9A4

Telephone number: (250) 387-5629
Facsimile number: (250) 387-1696
Website: www.oipc.bc.ca

If you wish to request a review, please provide the Commissioner's office with:

- 1) the request number assigned to your request (the "file number" quoted at the top of the letter)
- 2) a copy of the letter; and
- 3) a copy of your original request for information that you sent to this public body.

You may also ask the Commissioner to investigate matters subject to a complaint under section 42(2) of the Act, e.g., time extensions not in accordance with the Act and fee estimates which you feel may be inappropriate.