



<p>Team Name: Health Information Services</p> <p>Team Lead: Regional Privacy & Access Officer</p> <p>Approved by: VP – Finance & Planning</p>	<p>Reference Number: ORG. 1411.PL.006</p> <p>Program Area: Health Information Services</p> <p>Policy Section: Privacy & Access</p>
<p>Issue Date: April 24 2015</p> <p>Review Date:</p> <p>Revision Date: January 29, 2021</p>	<p>Subject: Preparing Fee Estimates under the Freedom of Information and Protection of Privacy Act (FIPPA)</p>

Use of pre-printed documents: Users are to refer to the electronic version of this document located on the Southern Health-Santé Sud Health Provider Site to ensure the most current document is consulted.

POLICY SUBJECT:

Preparing Fee Estimates under the Freedom of Information and Protection of Privacy Act (FIPPA)

PURPOSE:

To regulate the fee estimate according *the Freedom of Information and Protection of Privacy Act* (FIPPA) legislation

BOARD POLICY REFERENCE:

Executive Limitation (EL-7) – Corporate Risk

POLICY:

The Public Body may require an Applicant to pay some of the costs incurred in responding to the application for information under *the Freedom of Information and Protection of Privacy Act* (FIPPA).

DEFINITIONS:

ORG.1411.PL.001.SD.01 [FIPPA Definitions](#)

PROCEDURE:

Fee Estimates

A fee estimate may be provided to an Applicant when, in responding to a request, it is determined that:

- Search and preparation is likely to take longer than two hours, or
- Computer programming or data processing fees will be incurred.

The Public Body is required to give the Applicant an estimate of the total fee before providing the services. The estimate must be provided on the prescribed Estimate of Costs form.

A cover letter along with the Estimate of Costs form will be sent to the Applicant.

Dealing with Fee Estimates

When an estimate is given to an Applicant, the time within which the Public Body is required to respond under subsection 11(1) is **suspended** until the Applicant notifies the Public Body that they wish to proceed with the application. An Applicant has up to 30 days from the day the estimate is given to indicate if it is accepted or to modify their request to change the amount of the fee.

An Applicant who wishes to proceed with the application must sign and return the Estimate of Costs form to the Public Body along with payment of the estimated fees. When the Region receives this, the time limit for responding is **reactivated** and a response must be provided within the remaining time.

If the Applicant does not notify the Public Body that they wish to proceed with or modify the application within 30 days from the date the Estimate of Cost was given, the Public Body may consider the application to have been abandoned.

An Applicant may request a waiver of fees and must provide reasons why the fees should be waived. The Public Body has the discretion to waive the payment of all or part of a fee in accordance with the regulations, and must inform the Applicant in writing of this decision.

Activities that are not Chargeable

Subsection 4 (3) of the Regulation states that a fee estimate cannot include time spent on the following activities:

- Transferring an application to another Public Body
- Preparing a fee estimate
- Reviewing the responsive Records to determine whether any exceptions to Disclosure apply, prior to any severing of the Records
- Copying Records supplied to the Applicant
- Preparing an explanation of the Records under subsection 14 (2)

Additionally, time is not chargeable for consulting about the request within or outside of the Public Body, including consulting with legal counsel for the Region.

Activities that are Chargeable

Time is chargeable for the following search and preparation activities:

- Search to locate requested Records
- Reviewing file lists or systems to determine the location of responsive Records
- Gathering Records or retrieving Records from storage
- Examining files to locate responsive Records
- Preparation of responsive Records:
 - Copying the original Records to have a working copy or copies
 - Severing the Records by obscuring the excepted information and noting the specific provisions on the severed Records

The Access and Privacy Regulation establishes four types of fees:

1. **Search and Preparation Fees** – An estimate of costs should be prepared as soon as the Public Body believes that search and preparation related to the application will take more than two hours. The fee payable is:
 - \$15.00 for each half-hour in excess of the first two hours, which are at no cost to the Applicant.

2. **Computer Programming and Data Processing Fees** – when computer programming is needed or data processing costs are incurred by the Public Body in responding to an Application an estimate of costs form is completed using the following amounts as set out in the Regulation:

- \$10.00 for each fifteen minutes of internal programming or data processing.
- The actual cost of external programming or data processing incurred by Southern Health-Santé Sud.

3. **Copying Fees** – The fee payable is:

- \$0.20 per page for photocopies and computer printouts.
- The actual cost for any other method of providing copies (i.e. vaulted USB).

Applicants requesting copies of their own Personal Information are not charged if the total copying fee is less than \$10.00.

Copying fees are not charged for all other requests if the total copying fee is less than \$30.00.

4. **Delivery Fees** – Applicants are charged actual costs for courier delivery. No fees are chargeable for regular mailing costs.

REFERENCES:

The Freedom of Information and Protection of Privacy Act (FIPPA)

The Manitoba Ombudsman Practice Note, Preparing Fee Estimates under *The Freedom of Information and Protection of Privacy Act*