

# Fees for FOIP Services Standard

Data, Information and Privacy Services Division, Policy and Administration

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FEEES FOR FOIP SERVICES STANDARD

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## Standard Statement

Ensuring that fees charged for services under the *Freedom of Information and Protection of Privacy* (FOIP) Act are consistent, fair, and compliant with the FOIP Act supports transparent and effective provision of FOIP services.

## Authority

- [Freedom of Information and Protection of Privacy Act](#)
- [Freedom of Information and Protection of Privacy Regulation](#)

## Scope

This standard is applicable to FOIP staff operating in, or on behalf of, Service Alberta (including, but not limited to, Government of Alberta employees, contractors, volunteers, appointees, interns, and students working with Service Alberta).

**NOTE:** Employees of other Government of Alberta departments and/or public bodies (e.g., agencies, boards, and commissions) operating in Alberta are encouraged (but not required) to align with this standard.

## Standard Description

This standard describes requirements for:

- initial fees;
- FOIP service fees; and
- fee estimates.

## Standard Specification

### Types of FOIP Requests

As per the FOIP Regulation, there are two types of FOIP requests:

- **General FOIP request:** a request for access to a record that is not a record of the applicant's personal information.
- **Personal FOIP request:** a request for access to a record that is a record of the applicant's personal information.

### Initial Fees

- General FOIP requests will not be processed until an initial fee of \$25 is paid.
- Personal FOIP requests do not have an initial fee.

### Fees for FOIP Services

Applicants may only be charged for the FOIP services listed in Schedule 2 of the [FOIP Regulation](#):

- searching for, locating, and retrieving records;
- producing a record from an electronic record (computer processing and programming);
- producing a paper copy of a record (photocopies and computer printouts, from microfiche or microfilm, and plans and blue prints);
- producing a copy of a record by duplication of another media (microfiche and microfilm, computer disks, computer tapes, slides, and audio and video tapes);
- producing a photographic copy printed on photographic paper from a negative, slide or digital image;

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- producing a copy of a record by any other process or in any other medium or format;
- preparing and handling a record for disclosure;
- supervising the examination of a record; and
- shipping a record or a copy of a record.

Fees cannot exceed:

- the actual cost of performing the service, and/or
- the maximum amount established in the FOIP Regulation.

### Issuing a Fee Estimate

Fee estimates are an estimation of costs for services undertaken when a FOIP request is being processed, and are separate from the initial fee. Applicants must be given an estimate of the total fee before providing the services. A fee estimate may only be issued when costs for services are expected to exceed:

- \$150, for a general FOIP request; or
- \$10, for a personal FOIP request.

Fee estimates must be provided to the applicant in writing, and must include the following details:

- the total amount of the fee estimate, and the time and cost associated with each service to be performed;
- a statement informing the applicant that they have up to 20 days from the date of the notice to accept the fee estimate or modify the request; and,
- a statement informing the applicant that processing of the request ceases from the date of the notice until:
  - receipt of the applicant's agreement to pay; and
  - payment of 50% of the estimated fee (if applicable).

**NOTE:** A public body is permitted to consider the request abandoned if a response is not received from the applicant within 30 days.

In the case of a continuing FOIP request (i.e., a general or personal request for access to record(s) that continues to have effect for a specified period of up to two years), the fee estimate must include:

- the total fees payable over the course of the continuing request, and
- the fees for timed release(s) of responsive record(s).

If during the processing of the FOIP request it is discovered that the actual time to search, locate and retrieve or the volume of records involved is significantly higher than originally estimated and agreed to by the applicant, then a revised fee estimate must be provided to the applicant.

**NOTE:** What constitutes "significantly higher" time to search than originally estimated will vary based on the specifics of the access request—staff requiring clarification should consult their Access Request Process document and/or contact their supervisor.

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### **Compliance**

Consequences of non-compliance with this standard could result in the loss of information, damage to Government of Alberta's reputation, exposure of Albertans to harm and/or incurrence of unnecessary costs. Depending on the severity of non-compliance:

- either informal or formal requests and/or follow-ups may be made by Data, Information and Privacy Services Division, Corporate Internal Audit Services, Cybersecurity Services, Office of the Information Privacy Commissioner, and/or Public Service Commission; and
- legislated disciplinary action (i.e., [Public Service Act](#)) may be taken