



INFORMATION REQUEST

INFORMATION REQUEST #: IR-001-24

REQUESTED BY: Councillor MacDonald

TOPIC: FOIP Cost Recovery and Processing Hours

DATE OF REQUEST: November 4, 2024

DATE OF RESPONSE: November 5, 2024

QUESTION:

Is there an opportunity to recover costs associated with FOIP requests? How many hours are spent on the average FOIP request and where are these requests coming from (i.e., Spruce Grove residents vs. non-residents)?

RESPONSE:

When a FOIP request is received, a \$25 fee is required to be paid before the request is processed. As far as cost recovery, under the FOIP Fee Schedule outlined in the FOIP Regulation, the only substantive fees that can be charged are for the search and retrieval of records, and minor fees for copying/printing documents (\$0.25/page) and uncommon tasks (e.g., duplication of video tape, etc.).

Of the search and retrieval fee, there is a \$150 threshold. This means that an applicant cannot be charged any search and retrieval time until the \$150 threshold is met. Under the FOIP Regulation fee schedule, \$6.75 applies to every 0.25 hour, resulting in 5.75 hours of time being spent on search and retrieval of records to reach the \$150 threshold. Only after the \$150 threshold has been reached can an applicant be charged. First, an estimate must be provided to the applicant, and the applicant has the right under the *FOIP Act* to appeal the estimate.

A FOIP request is typically required to be completed within 30 calendar days of receipt. The average FOIP request takes 30 - 35 hours to process and the average search and retrieval time, which is completed by the specific departmental staff the FOIP request applies to, takes 2 - 3 hours. The other 27 - 32 hours requires analytical work by a FOIP specialist and includes

consultation with affected parties, coordinating legal review (if necessary), and internal evaluation, approvals, and redacting of documents. Redaction of documents is a complex process and requires significant due diligence to avoid disclosing information that is not permitted to be disclosed under the *FOIP Act*.

At the current count of 60 FOIP requests, this means there has been an average of 2,100 processing hours in 2024 to date. This increased activity has resulted in significant overtime hours raising concerns over burnout and work/life balance for the existing FOIP/IM Specialist.

The location of where FOIP requests come from varies. It could be current residents, former residents, or parties outside of Spruce Grove. It is important to note that regardless of who the applicant is or where they are from, the City is required to process the FOIP request under the same fees set out in the FOIP Regulation. This is no opportunity to charge different fees based on applicant residency.

BACKGROUND:

n/a

FINANCIAL IMPLICATIONS / TAXATION IMPACT:

In order to meet legislative compliance with processing requirements and timelines under the *FOIP Act*, the City has had to utilize consultants. Consultants have cost \$90,000 annually providing 25 hours of value equivalent to an FTE per week. If the consultants worked 35 hours a week, the cost would be \$126,000, which the same as the cost of the proposed 1.0 FTE FOIP/IM Advisor. Consultants are a stop-gap measure and typically do not have the day-to-day context of City operations to complete FOIP requests without some guidance from the FOIP/IM Specialist.

In order to complete the FOIP work, which also includes privacy related work such as Privacy Impact Assessments of new software or processes, provide ongoing guidance to the consultants and complete IM work such as the upgrade of the City's information management system and processes, it has resulted in the existing FOIP/IM Specialist having to accrue overtime, representing a \$20,000 increase in overtime costs in the last 12 months.

Ultimately, there are very limited opportunities under the FOIP Regulation for cost recovery. The \$25 processing fee and any other minor fees such as photocopying that can be charged do not recover the costs the City is having to expend to ensure legislative compliance with the *FOIP Act*.

Contact: Lindsay O'Mara, City Clerk, Strategic and Communication Services - City Clerk's Office