



Wednesday, January 7, 2015

Additional Fee Estimate	
File size estimate (pages)	15000
Location and retrieval (hours)	2
Total cost, location and retrieval	\$ 60.00
Reviewing, preparing and producing records (\$30/hour)	\$ 7500.00
Total hours (location, retrieval, preparing records)	252
Photocopying (@ \$0.20/page)	\$ 1,800.00
Total estimate	9,360.00

Gov't Bills \$10K To Pull Files

A Nova Scotia government department is charging \$37 an hour to photocopy public documents under its *Access To Information* law. The charges come as MPs propose raising fees on all Canadians who ask to see federal records.

"It's just outrageous," said Paul Einarsson, a Calgary executive billed \$9,360 for records held by the Nova Scotia Department of Energy. "I can't police these misbehaving agencies; I'm just a citizen."

Einarsson last November 5 asked for records of distribution of its copyright seismic data earlier submitted by his company, [Geophysical Service Incorporated](#), according to documents. The Nova Scotia agency initially charged \$1,270 for the files, then weeks after receiving payment issued a January 5 demand letter for a total \$9,360.

"It's a huge injustice to Canadians and a real blow to the whole concept of open and transparent government," Einarsson said. "It makes you wonder, what are governments trying to hide?"

Kim Himmelman, director of regulatory affairs with the energy department, blamed the 600 percent fee miscalculation on a vacationing employee. "At the time of preparing the fee estimate one staff member was out of the country," Himmelman said in a written explanation; "Upon return to the office, this employee provided us with records which exceed 15,000 pages. We understand many of these pages may either be duplicates or part of email strings which will repeat much of the same information numerous times. We should be able to reduce the number of pages that will need to be photocopied, but will still require the time to review each page."

Himmelman did not respond to an interview request. Retrieving 15,000 documents took only two hours of staff time, according to Nova Scotia billing records, but require a further 252 hours' time spent in "preparing records" for release; and \$1800 in photocopy charges.

"They'll charge high fees and then release redacted documents that are completely useless – hundreds and hundreds of blanked pages," Einarsson said. "They know there is nothing Canadians can do."

"That's The Real Question"

Processing individual requests for files costs federal departments an average \$1,295, by Treasury Board estimate. Information Commissioner Suzanne Legault has criticized high fees charged for disclosing public records.

"I really don't think it's judicious," Legault earlier told the Commons committee on access to information. "I really don't. I find that fees generate delays for requesters"; "If citizens want to have access to other pieces of information, why is there a nuisance threshold for that information when the Supreme Court of Canada has determined it's a quasi-constitutional right of Canadians? That's the real question."

Conservative MPs at a December 4 committee hearing proposed that cabinet raise the standard \$5 filing fee for *Access To Information* requests, unchanged since 1983. "There is a commercial value to some of this information," said Erin O'Toole, now Minister of Veterans Affairs; "We see people on Twitter, tweeting all day, just one click of a mouse button. I think there has to be some sort of reasonable ground between open, accessible government and having, at the click of a mouse, bureaucrats being charged with gaining information with the cost of almost \$1,300 inherent in each request."

Federal agencies received some 55,000 requests for files last year, a 27 percent increase over 2012. A majority of requests, 22,000, were from the general public, with another 21,000 from corporations and 8,300 from media.

MP Ed Komarnicki (Souris-Moose Mountain, Sask.) said the filing fee should increase "just to bring it more in line with inflation." The \$5 rate originally charged thirty years ago would double to \$10.60 if adjusted for the cost of living.

By Tom Korsi 🇨🇦 🇨🇦