

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER FOIP2025-42

December 11, 2025

CALGARY POLICE SERVICE

Case File Number 020013

Office URL: www.oipc.ab.ca

Summary: The Applicant made an access request under the *Freedom of Information and Protection of Privacy Act* (FOIP Act/Act) to the Calgary Police Service (the Public Body) for records related to a Police Service file.

The Public Body attempted to clarify the request and issued a fee estimate in the amount of \$1620, the bulk of the fee was based on a 2-minute per page review of the records.

The Applicant requested an Inquiry, arguing that the Public Body failed in its duty to assist and that the fee estimate was a deterrent to the request.

The Adjudicator found that the Public Body erred in its calculation of the fee and was ordered to recalculate the fee based on actual severing time and not reviewing time.

Statutes Cited: AB: *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 10, 72 and 93

Freedom of Information and Protection or Privacy Regulation (the Regulation), Alta Reg 186/2008, s. 11, Schedule 2

Authorities Cited: AB: Orders F2004-08; F2004-26; F2011-015; F2013-27; F2016-40; F2020-07, F2021-14

I. BACKGROUND

[para 1] The Applicant made an access request to the Calgary Police Service (the Public Body), which was received on July 8, 2020. The request was for:

A copy of all records as defined by section 1(q) related to this matter in which the [Committee] was directly involved.

[para 2] The “matter” referred to in the access request is Calgary Police Service file PSS 17-0709.

[para 3] On August 12, 2020, the Public Body provided a \$1620 fee estimate to the Applicant:

Time and cost to search for and retrieve records: 10hr x \$27.00/hr

Reviewing and redacting a record for disclosure: 50hrs* x \$27.00/hr

*The Public Body is estimating 1500 pages of collected records x 2 minutes/page

3000 minutes/60 minutes= 50 hours

[para 4] On November 16, 2020, the Applicant requested access to an index or a table of contents of the Professional Standards Section (PSS) file in order to identify the specific records being sought. The requested information was sent to him on December 3, 2020.

[para 5] On January 20, 2021, the Applicant responded to the Public Body and informed it that the table of contents did not list the items related to the [Committee’s] direct involvement.

[para 6] The Applicant expressed a concern with the amount of the fee estimate. The Public Body responded by informing the Applicant that since the request was for a PSS file that related to the [Committee’s] involvement, and since neither the Applicant nor the Public Body could narrow the search from the table of contents, it would have to search the entire file.

[para 7] The Public Body stated that a search for the contents of the PSS file was required and it maintained its original fee estimate.

[para 8] The Applicant did not pay the fee, and the Public Body has not responded to the access request. The access request has not been fulfilled, and no records have been disclosed.

[para 9] The Applicant also stated the Calgary Police Service failed to take reasonable steps to limit their search for records thereby inflating the estimated fee.

[para 10] The Commissioner assigned a senior information and privacy manager (SIPM) to investigate and attempt to settle the matter. At the conclusion of this process, the Applicant requested an inquiry.

II. ISSUES

[para 11] The Notice of Inquiry dated, June 12, 2024, states the issues for this inquiry as follows:

1. Did the Public Body calculate the fee estimate in accordance with section 93 of the Act, and the fee provisions in the Freedom of Information and Protection of Privacy Regulations?
2. Did the Public Body fail to meet its duty to assist the Applicant under section 10(1) of the Act by failing to properly limit the scope of records used when calculating the fee estimate?

III. DISCUSSION OF ISSUES

[para 12] In addition to stating that the Public Body's fee calculations were at issue, the Notice indicated that the Public Body's compliance with its duty to assist is at issue. As noted in the background above, the Public Body has not responded to the Applicant's request for access. As a result, the issue of the adequacy of its search for responsive records is premature.

[para 13] The issue regarding the search raised by the Applicant is related to the issue of fee calculation. The Applicant argues that the way in which the Public Body intends to search for records will increase the costs of responding to the access request. In my view, that issue can be decided as part of considering whether the Body calculated the fee estimate in accordance with section 93 of the Act, and the fee provisions in the Regulation. As a result, I will not decide the issue of whether the Public Body met the duty to assist.

[para 14] Section 10(1) of the Act states:

10(1) The head of a public body must make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely.

[para 15] Section 93 of the Act states, in part:

93(1) The head of a public body may require an applicant to pay to the public body fees for services as provided for in the regulations.

[...]

(3) If an applicant is required to pay fees for services under subsection (1), the public body must give the applicant an estimate of the total fee before providing the services.

[...]

(6) The fees referred to in subsection (1) must not exceed the actual costs of the services.

[para 16] Section 11 of the Regulation states:

[...]

11(6) A fee may not be charged for the time spent in reviewing a record.

[para 17] The Applicant does not overtly take issue with the first part of the fee estimate of 10 hours to search for and retrieve responsive records. Despite this, his position that the records amongst which records responsive to his request might be found are electronically searchable, seems to be a point that would challenge the time the Public Body says the search ought to take, and the corresponding estimated fees.

[para 18] In Order F2004-26, Commissioner Work stated that a public body may have to clarify a request in order to meet its Duty to Assist the applicant:

[para 30] Finally, in its oral submission, the Applicant argued that the Public Body failed in its duty to assist by failing to clarify with the Applicant what it meant by “implementation” in the context of its original request. The Public Body suggested it did not do this because it assumed that it already understood the request. It explained that it thought it would not be reasonable for the Applicant to ask for the numbers of records that would be involved on the other understanding (that the request included all records in 2003 created by the Public Body relative to Bill 27 after the Bill’s passage - which the Public Body described as “11 cubic feet of records”). While I have some sympathy with the Public Body’s point, I have also been advised by the parties that the Applicant has since clarified this aspect of the request, which suggests that clarification was possible, and that there is indeed some further information relative to this aspect that is being sought. Thus I agree that the Public Body should have asked for clarification as to the part of the request that was ambiguous in its wording, rather than relying on its assumption, and that its failure to take this step was a failure to assist the Applicant.

[para 19] In the present case, an effort was made by both parties to narrow the scope of the request from the PSS file’s table of contents. Neither party was able to make a determination from the table of contents as to which items related to the [Committee’s] direct involvement. The Public Body issued a fee estimate based on its determination that a search of the records was required to respond to the Applicant’s request.

[para 20] The Applicant submitted that PSS files are searchable when he has received them from the Law Enforcement Review Board.

[para 21] On November 12, 2025, I sent the following request to the Public Body asking for clarification:

The Public Body has stated that its “file is not organized or searchable to determine which records only belong to the [Committee]”. The Applicant has stated that he has received electronically searchable PSS files when the Law Enforcement Review Board (LERB) has ordered the Police Service to release them.

I would like the Public Body to explain why its files are not searchable whereas the LERB files can be electronically searched.

[para 22] The Public Body responded as follows:

Calgary Police Service utilizes the IPro system to manage Investigations under the Police Act. It works as a tracker and a repository of records that are related to the investigation. The system can be searched by PSS file number, officer name or regimental number, complainant name and report numbers. You can not search it by Organization, for example the [Committee]. It would need to be linked to a specific person. The Table of contents advising what each record was named may give some information if the naming convention included the [Committee] in its title, but if it does not, each record needs to be reviewed to see if the [Committee] is mentioned. In order to locate records related to the [Committee], each record needs to be requested and downloaded by the Professional Standards Section (PSS) and reviewed by the Analyst. Some records are searchable using the CTRL+F and can be identified quickly. If its a scanned document and not easily searchable with CTRL+F then we have to read each one. If it’s a video or audio, we would have to watch or listen to hear if the [Committee] is mentioned. This is done with every file. The table of contents was to help the Analyst ask PSS for specific records so they did not need to download everything for the Analyst to review. As the Applicant advised he wanted none of those records and only the records that were in reference to the [Committee]. A record by record review is required to locate which ones, if any, reference the [Committee].

I am not familiar with the LERB file that the Applicant is referencing and would need more information on the specific file to determine what the file was about and how it relates to this situation. I can advise that if the Applicant was the complainant or represented the complainant in an investigation, many of the files would be in relation to the incident that the complainant was involved in.

Once the investigation is located there is no way to know what information is related to the [Committee] without reviewing each record.

[para 23] From the forgoing I understand the IPro system to be a case management system (CMS). Files are organized by attributes, such as PSS file number, officer name or regimental number, complainant name and report numbers. Unless the [Committee] is a descriptor under one of the attributes, the CMS system would not return a result. Searching a CMS by file

number, would return all the records (documents, recordings, video etc) associated with that file number, in turn each record would have to be opened and either searched using CTRL+F or manually, depending on the type of file and how the file was saved to the system.

[para 24] I accept the Public Body's explanation and agree that a case management system may not be easily searchable, that is, a search cannot be conducted for key words that may be found in all the records associated with the file, and that each record attached to the file would have to be searched one record at a time to find responsive records. It is for this reason that I find the 10 hour estimate to search and retrieve records to be reasonable.

[para 25] I find that the Public Body's attempt to clarify and limit the request by providing the table of contents, is an important step in meeting the duty to assist. Furthermore, the issuing of a fee estimate also indicates a willingness on part of the Public Body to assist the Applicant in his request for records.

[para 26] As stated above, since the Public Body has not yet provided responsive records to the Applicant, the issue of whether its response complies with the terms of section 10 is premature.

[para 27] Next, I will discuss the \$1350 fee estimate for reviewing and redacting the records.

[para 28] Past orders (F2011-015, F2016-40) of this office have defined "reviewing" within the terms of section 11(6) of the Regulation as the process of examining or assessing records with a view to making changes to them as appropriate, such as when a public body decides to sever information from the records.

[para 29] Schedule 2 of the Regulation sets out the Fee Schedule:

1	For searching for, locating and retrieving a record	\$6.75 per 1/4 hr.
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[para 30] The Applicant states that the fee estimate of \$1350 (50hrs x \$27) for "reviewing and redacting" of the records is a deterrent.

[para 31] The Public Body submits:

The fee estimate that was originally provided on August 12, 2020, indicated that a review of 1500 pages was required as all records received from Professional Standards under file 17-0709 were combined for a total page count to create the fee estimate. It was stated that it would take 10 hours to search for, locate and retrieve responsive records. It was further estimated under the previous guideline from the Office of the

Information and Privacy Commissioner, that it would take 2 minutes per page to review and redact the record. This was the standard used to create the original fee estimate at the time. The Calgary Police Service acknowledges that this is no longer the standard. There is no record of the Applicant notifying the Analyst that they only wanted us to search in certain folders, nor did they indicate that they no longer wanted records from that file number. They simply did not respond further.

[para 32] Section 11(6) of the Regulation prohibits a public body from charging a fee to review a record. Furthermore, page 74 of the *FOIP Guidelines and Practices 2009* states:

No fee may be assessed for time spent in reviewing a record to determine whether or not all or part of it should be disclosed.

[para 33] In Order F2011-015 the Adjudicator found at paragraph 17:

The manual reflects the view that fees may not be charged (or estimated) for the time spent reviewing records for the purpose of making decisions about severing information from records. Although the manual is not binding on me, I agree with its interpretation of section 11(6) of the Regulation. The word “review” can mean “to examine or assess with a view to making changes where appropriate”...

[para 34] At paragraph 22, the Adjudicator continued:

Severing, within the terms of the Bulletin, is the physical act of removing information from a record and writing the section of the Act applied. It does not involve reading the information or deciding what to sever or considering what provision of the Act is applicable.

[para 35] The former FOIP guidelines, in particular FOIP Bulletin #1, were not published by this office, nor are those guidelines binding on me. Order F2011-015 rejected the 2-minute per page guideline, as it did not reflect actual costs and included time to review, which is not allowed. In its submission, the Public Body acknowledges that the 2-minute per page review is no longer the standard.

[para 36] From the foregoing, I conclude that the Public Body’s time estimation of 2-minutes per page includes the time spent reviewing and making decisions as to what information needs to be severed from the record. As stated above, the Public Body cannot include the time spent on making severing decisions in its estimate, only the time spent doing the actual severing can be charged to the Applicant. I find that the Public Body included fees for reviewing records, which the Regulation prohibits it from doing.

[para 37] As the Public Body included reviewing records in its estimate, the actual cost per page for severing the records will be significantly less than 2-minutes per page it included in its

estimate. In addition, the Public Body cannot charge the Applicant for severing records where no severing was done.

[para 38] I agree with the Public Body's submission that "a fee estimate is an estimate of the costs to process the access request and not an exact amount. The standard practice is to provide the estimate and obtain the 50% downpayment and once the request is completed the final fees are provided to the Applicant. If after the review of the records, the resulting total of pages does not amount to 1500 then only those pages that were responsive and redacted would have been included in the final estimate." I am not ordering the Public Body to change its approach, only to recalculate the time, which will be significantly less than the 2-minutes per page that it calculated.

[para 39] Previous orders (F2013-27) of this office have determined that a public body should estimate the fees for redacting by taking sample pages and determining how long it takes to redact information from the records by whatever method it uses. In past orders, Adjudicators have found 5 seconds (F2011-015) to 10.8 seconds (F2013-27) to be a reasonable per page estimate. I agree with this approach to estimating the costs of severing and the approach and will order the Public Body to follow the same method for estimating the fees.

V. ORDER

[para 40] I make this Order under section 72 of the Act.

[para 41] I order the Public Body to recalculate the time spent severing information by selecting a sampling of records the Public Body considers reflective of the average amount of severing required. The Public Body may then add up the time taken for each instance of severing on that page and multiply that figure by the number of records to estimate the total costs for severing the records.

[para 42] I order the Public Body to exclude costs for reviewing records from its estimate of fees.

[para 43] I further order the Public Body to notify me in writing, within 50 days of receiving a copy of this Order, that it has complied with the Order.

Pam Gill
Adjudicator
/rm