



REPORT TO THE EDMONTON POLICE COMMISSION

DATE: October 16, 2020

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SUBJECT: Policy Revisions

The Governance Committee, at its October 8, 2020 meeting, reviewed the attached revised and new Edmonton Police Commission policies and is recommending the following motions to the Commission:

1. That the Commission approve the following revised policies:
 - 1) 5.4.1 Security of Information
 - 2) 5.4.2 Security of Building Access Cards

2. That the Commission approve the following new policies:
 - 1) 2.3.6 Access To Information
 - 2) 2.4.2 Memorial Fund
 - 3) 3.1.6 Diversity and Inclusion
 - 4) Appendix G – FOIPP Procedures

(Attach)

(CURRENT)

Effective: September 17, 2015
Repealed:

Revised: October 2016

5.4 SECURITY OF INFORMATION

The Edmonton Police Commission is committed to protecting the privacy and confidentiality of the information that it holds. The Edmonton Police Commission is a public body and therefore responsible for the information within its custody as set out in the *Freedom of Information and Protection of Privacy Act*.

5.4.1 SECURITY OF INFORMATION

The Edmonton Police Commission is committed to protecting the privacy and confidentiality of the information that it holds. The Edmonton Police Commission is a public body and therefore responsible for the information within its custody as set out in the *Freedom of Information and Protection of Privacy Act*.

Commissioners and staff are responsible for maintaining the confidentiality of Commission information. As part of their duties Commissioners and staff will acquire knowledge of, or have access to and be in possession of information, including personal information. Commissioners and staff will keep confidential and not disclose any information of any nature or kind that comes to their knowledge by virtue of their position, except in accordance with their duties with the Commission.

Commissioners and staff are required to sign a confidentiality agreement binding them to their responsibility even after their appointment ends.

Commissioners and staff are required to maintain adequate security so as to prevent unauthorized access, use, or disclosure of Commission information.

Commission materials are made available to Commissioners electronically on Commission issued devices. All Commissioners will be issued an electronic device in order to access Commission materials. Commissioners may request hard copies of Commission materials as required. Hard copies shall be picked up at the Commission office or couriered to Commission members. Couriers shall only be released to the Commission member or their designate. Couriers shall not be given instructions to leave materials unattended outside a location. Paper materials shall be returned to Commission staff at the end of the Commission meeting. While in their custody, Commission members are responsible for ensuring that they have adequate security over the materials. This includes restricting access through locked storage. Not leaving materials in a vehicle unattended.

Councillor Commissioners receive electronic copies of Committee and meeting materials on encrypted USB. USBs shall be returned at the end of the meeting.

Electronic copies of Commission materials shall not be copied to personal devices.

All Commissioners (with the exception of Councillors) will be issued a secure email address.

Commission related confidential email communications shall only be through the secure email address provided to the Commission members for Commission business.

All Commission related work shall be done on Commission issued devices. Devices shall be secured from unauthorized access with a password.

The Chair and Vice Chair will be issued a cell phone at the beginning of their term to facilitate real time response to Commission related phone calls and email. Other Commissioners may be issued a cell phone, if required.

In the event of a lost or stolen Commission issued device (e.g. cell phone or tablet), Commissioners are required to immediately notify the Edmonton Police Service IT Helpdesk.

Commissioners are required to return Commission issued devices at the end of their term; failure to do so will result in financial liability.

Effective: September 17/15	Revised: October 2016
Repealed:	

(REVISED)

5.4 SECURITY OF INFORMATION

5.4.1 SECURITY OF INFORMATION

All Edmonton Police Commissioners and staff are responsible for the security and protection of Edmonton Police Commission (“Commission”) information against unauthorized access and use.

The safeguarding of information is paramount as required by the *Freedom of Information and Protection of Privacy Act (FOIPPA)*. All Commission members and staff will strictly adhere to the guidelines and procedures outlined as they relate to the security of sensitive and other information.

Definitions:

Disclosure – Disclosure means to release, transmit, reveal, expose, show, provide copies of, tell the contents of, or give personal information by any means to someone. It includes oral transmission of information by telephone, or in person; provision of personal information on paper, by facsimile or in another format; and electronic transmission through electronic mail, data transfer or the Internet.

Information – Information may mean, but is not limited to, operational or administrative records, knowledge or data, regardless of how it is stored or kept. It can include electronic data, written or printed information, and verbal conversation.

Information Technology Resources (IT Resources) – IT resources refer to all hardware, software, and supporting infrastructure owned by, or under the custodianship of, EPS that is used to create, retrieve, manipulate, transfer, and store electronic information. This includes (but is not limited to), EPS computers, file systems attached to these computers, operating systems running on these computers, software packages supported by these operating systems, wired and wireless networks, telecommunication and mobile devices, EPS radios, data stored on or in transit on the above, as well as electronic identities used to identify and authenticate the users of the aforementioned resources.

Personal Information - Is defined in s.1(n) of FOIP and is recorded information about an identifiable individual, including the individual’s name, home or business address or home or business telephone number, the individual’s race, national or ethnic origin, colour, religious or

political beliefs or associations, the individual's age, sex, marital or family status, information about the individual's educational, financial, employment or criminal history, anyone else's opinions about the individual, etc.

Record - Is defined in s.1(q) of FOIP and means a record of information in any form and includes notes, images, audio-visual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software programs or packages or any mechanism that produces records.

Guidelines:

1. All Commission members and staff will comply with all City of Edmonton ("City") and Edmonton Police Service ("Service") Information Technology ("IT") policies and procedures when using or accessing City, Service, and Commission information, systems, and resources.
2. All Commission members and staff are required to sign a confidentiality agreement binding them to their responsibility to protect the privacy and confidentiality they hold during their term in office or employment with the Commission.
3. All Commission members and staff will be issued a secure email address and all Commission business and communications shall be conducted through this issued email only.
4. The Commission Chair and Vice Chair may be issued a cell phone at the beginning of their term if required.
5. IT resources are made available to Commission members and staff who are then responsible for using those resources in an effective and efficient manner. The Service reserves the absolute right to restrict or control access to the Service's IT resources and owns all information generated through their use and may revoke the use at any time if improper or prohibited use is suspected.
6. Commission members and staff will not provide access to Commission, City, or Service information to any non-Commission members or staff.
7. Any sensitive or non-public information sharing or disclosure that is required beyond the Commission, City, or Service for business purposes must be security cleared by the Service.

8. All personal information of both Commissioners and staff will be protected in accordance with the *FOIPP Act* and will not be distributed unless lawfully permitted.
9. Commission members and staff will not allow unauthorized access to a Commission computer, iPad, or laptop or any of their accounts nor share any of their passwords.
10. All Commission computers and other devices must be logged off when not in use.
11. All information storage media and hard copy documents, including but not limited to, computer hard drives, laptops, smartphones, USB sticks, paper files and reports, containing non-public information must be physically secured when not in use.
12. When using portable storage devices, the information it contains should be encrypted and the device must be secured in a manner to prevent loss or theft.
13. Electronic copies of Commission materials shall not be forwarded or copied to personal devices.
14. Commission members and staff should not access or send non-public information on an insecure wireless network.
15. The use of printed materials is to be avoided as much as possible outside of the Commission office and Commission information should not be photocopied or faxed using equipment outside of the Commission office.
16. In the event of a lost or stolen Commission issued device, Commission members and staff must immediately notify the Service's IT Help Desk and report this loss to the Commission's Executive Director.
17. All Commission, City, and Service information records (electronic and hardcopy), materials and equipment must be returned to the Commission office upon expiry of a Commissioner's term or staff employment with the Commission.

Procedures:

1. The Commission's Executive Director will ensure that all Commissioners and staff receive appropriate privacy training with respect to their responsibilities under this policy.
2. Commission members and staff will immediately report any breaches of privacy to the Executive Director.

References:

1. *Freedom of Information and Protection of Privacy Act, RSA 2000, c F 25.*
2. *City of Edmonton Administrative Directive A1433A – Privacy*
3. *Edmonton Police Service Policy IS9PO – Information Security Policy*
4. *Edmonton Police Service Policy IS10PO – Information Technology Use and Management*
5. *Edmonton Police Service Procedure IS9-2PR – Network Security Procedure*
6. *Edmonton Police Service Procedure IS10-2PR – Recording and Reporting on the Use of EPS Information Technology Resources Procedure*
7. *Edmonton Police Service Procedure IS2-1PR – FOIPP Procedure*

(CURRENT)

Effective: October 27, 2016

Revised:

Repealed:

5.4.2 SECURITY OF BUILDING ACCESS CARDS

At the time of hire, staff members and Commissioners will be given an access card to the Commission office as well as an access card for EPS headquarters. These cards permit access to these facilities to allow for Commission-related work.

Building access cards must not be loaned to anyone for any reason, including family, friends, or associates.

1. Commission office access card:

Lost, missing, or stolen Commission office access cards must be reported immediately. During office business hours, the Commission's Administrative Assistant must be notified. If outside business hours, Morguard Security must be notified. A memo/email must be sent to the Chair/Executive Director outlining the circumstances.

2. EPS building access card:

As per Edmonton Police Service Procedure (EF2-2PR), lost, missing, or stolen cards must be reported to Edmonton Police Service IT Help Desk immediately. In the case of stolen cards, the member must file a police report and provide the occurrence number to Security Management Branch prior to issuance of a new card.

3. Returning of issued cards:

Commission office access cards and EPS facility access cards are to be returned to the Executive Director when a Commissioner or staff member ceases employment, retires, or otherwise leaves the Commission.

(REVISED)

Effective: October 27, 2016	Revised:
Repealed:	

5.4.2 SECURITY OF BUILDING ACCESS CARDS

Building access cards permit access to Edmonton Police Service (“Service”) and Edmonton Police Commission (“Commission”) buildings and are used to help identify authorized persons accessing these facilities.

Guidelines:

1. All members of the Commission share the responsibility for observing security procedures when accessing any Service building and Commission office.

Procedures:

1. All Commission staff and Commissioners will be issued a Service Building Access Card once the appropriate security clearance has been obtained.
2. All Commission staff and Commissioners must wear the Service’s access card in a visible position while in attendance at any of their facilities.
3. All building access cards must not be loaned to anyone for any reason, including family, friends, or associates.
4. Any lost or missing access cards must be reported to the Executive Director immediately.
5. The Executive Director will immediately report any lost or missing access cards that belong to the Service to the IT Help Desk.
6. All building access cards must be returned to the Executive Director when a staff member ceases employment or a Commission member’s appointment expires.

References:

1. *Edmonton Police Service Building Access Cards, Photo Identification Cards, and Warrant Cards Procedure – EF2-2PR*
2. *Edmonton Police Service Facilities Access Control Procedure – EF2-1PR*

(NEW)

Effective:	Revised:
Repealed:	

2.3.6 ACCESS TO INFORMATION

The Edmonton Police Commission (Commission) supports the principle of reasonable public access to records in its custody or control and will release information as outlined in the *Freedom of Information and Protection of Privacy (FOIPP) Act*, RSA 2000, c. F-25 (Act).

Definitions:

FOIPP Coordinator - Means the person designated by the Commission responsible for the overall management of its access to information and protection of privacy functions and responsibilities.

Information – Information may mean, but is not limited to, operational or administrative records, knowledge or data, regardless of how it is stored or kept. It can include electronic data, written or printed information, and verbal conversation.

Personal Information - Is defined in s.1(n) of the Act and is recorded information about an identifiable individual, including but not limited to the individual’s name, home or business address or home or business telephone number, the individual’s race, national or ethnic origin, colour, religious or political beliefs or associations, the individual’s age, sex, marital or family status, information about the individual’s educational, financial, employment or criminal history, and anyone else’s opinions about the individual.

Record - Is defined in s.1(q) of the Act and means a record of information in any form and includes notes, images, audio-visual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software programs or packages or any mechanism that produces records.

Transitory Record – Is a record that has only immediate or short-term usefulness and will not be needed again in the future. Transitory records contain information that is not required to meet legal or financial obligations or to sustain administrative or operational functions, and has no archival value.

Guidelines:

1. The Commission, as a local public body under the Act, is designated as the Head of the Commission under section 95(a) of the Act.
2. Pursuant to section 85 of the Act, the Commission delegates its duties, powers and functions under the Act to the Executive Director of the Commission, who is designated as the FOIPP Coordinator for the Commission.
3. Commission staff make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely.
4. Commission records, management policies and procedures comply with the provisions of the Act that specify the manner in which personal information can be collected, used and disclosed.
5. In accordance with section 3(e)(ii) of the Act, Commission records are filed, retained and destroyed as set out in the Commission's policy 3.2.1 – Records Management.
6. Commission staff record minutes of Commission meetings without note or comment. Upon Commission approval of the minutes as recorded, notes of Commission staff are destroyed. Notes kept to prepare the official minutes of the Commission are considered transitory records as well as other temporary information such as, but not limited to, messages, routing slips, post-it notes, envelopes, memos, notes, and messages (either paper, voice, or electronic).
7. Under the Act, material considered in a public meeting of the Commission is available without making a request under the Act and includes agendas, minutes and reports made to the Commission by the Edmonton Police Service (Service).
8. Requests for information not routinely available at public meetings are subject to the Commission Fee Schedule. (Appendix G – EPC FOIPP Procedures)
9. Disclosure of records of public meetings that contain personal information is subject to the provisions of the Act.

Procedures:

1. Requests for Disclosure of Commission Records under the Act:
 - Applications for disclosure of Commission records that are not considered in public meetings are processed according to the provisions of the Act.
 - Exceptions to disclosure are made in accordance with the provisions of the Act.
 - The Commission FOIPP Coordinator determines whether a request can be processed informally or as a request under the Act.
 - Fees for requests under the Act must be paid or waived before the records will be provided.
 - Requests for personal information are provided free of charge unless the costs of producing a copy of the records exceed \$10.00. Costs in excess of \$10.00 are assessed in accordance with the Commission Fee Schedule. (Appendix G – EPC FOIPP Procedures)

- An initial fee as set out in the Commission Fee Schedule (Appendix G – EPC FOIPP Procedures) must accompany requests for general information. Processing of a request does not commence until this fee has been paid or waived.
 - Upon receipt of the initial fee, the Commission’s FOIPP Coordinator provides the applicant with an estimate of the total fees to process the request. Processing of the request ceases until the applicant either agrees to pay the fees as estimated; receives approval to have the fees waived; or asks for a review under Part 5 of the Act.
 - If the applicant chooses to cancel or abandon the request, the initial fee is non-refundable.
2. Disclosure of Service reports made to the Commission:
- Notwithstanding that reports made by the Service to the Commission are in the custody of the Commission, the Service is considered to be the originator of any reports that are not provided by the Service at a public meeting of the Commission.
 - Under section 15 of the Act, requests for disclosure of reports made to the Commission by the Service will be transferred to the Edmonton Police Service FOIPP Unit coordinator and will be processed under their policies and procedures.

References:

1. *Appendix G – EPC FOIPP Procedures*
2. *EPC Policy 3.2.1 – Records Management*
3. *EPS policy IS2PO – Disclosure of Information Policy*
4. *EPS Procedure IS2-1PR – FOIPP Procedure*

(DRAFT V3)

Effective:	Revised:
Repealed:	

2.4.2 MEMORIAL FUNDS

The Edmonton Police Commission (Commission) supports the formation of permanent and one-time memorial awards to commemorate the passing of a prominent employee of the Edmonton Police Service (Service).

Guidelines:

1. Memorials can be either monetary and/or material gifts given to an individual or group of individuals which has been designated in memory of a person.
2. Memorials shall be set up with an expressed set of selection criteria and application process.
3. All award criteria will be formulated to achieve a specific objective of the Commission's and/or Service's strategic plan and goals.
4. The Commission may set up an independent Memorial Committee to assist in developing selection criteria, receive applications, and distribute funds.
5. The Commission will determine the amount of funding that will be allocated for each individual memorial award.
6. The Commission shall take all reasonable and appropriate steps to ensure the award is used for the purpose it was intended including, but not limited to, financial recording keeping and reporting.

(NEW)

Effective:	Revised:
Repealed:	

3.1.6 DIVERSITY AND INCLUSION

The Edmonton Police Commission (Commission) is committed to attracting a diverse and talented workforce to meet the business requirements of the organization by employing a recruitment process that is inclusive and reflects equal opportunity in accordance with appropriate laws and collective agreements.

The Commission will meet its goal of acknowledging the diversity within the community by leveraging the unique talents and backgrounds of its staff.

Definitions:

Diversity - The range of human difference, experiences and perspectives. Diversity includes the protected grounds listed in the *Alberta Human Rights Act*, and includes, but is not limited to, differences in personality, thoughts, life experiences, learning styles, working styles and viewpoints.

Inclusion - Valuing and embracing diversity to ensure the active participation and contribution of all individuals and groups. Inclusive environments welcome and embrace differences, while viewing them as strengths in creating an innovative and forward-thinking organization and community.

Guidelines:

1. The Commission will incorporate deliberate strategies of inclusion when developing policies and procedures for the organization.
2. The Commission is committed to the principle that all members, including staff, have a right to work in an environment without discrimination and harassment.
3. All Commissioners and staff have a role in preventing, recognizing, acknowledging, and addressing potential biased practices within the organization. Complaints of individual or systemic discrimination will be addressed in accordance with *EPC Police 3.1.6 – Respectful Workplace*.

4. The Commission will engage in staff recruitment programs that encourage all members of society to access Commission employment opportunities and will ensure that the selection process is inclusive.
5. The Commission supports professional development and training opportunities that address issues of diversity and cultural competencies and encourage all Commissioners and staff access these resources.

References:

1. *Alberta Human Rights Act*
2. *City of Edmonton Policy C538 – Diversity and Inclusion*
3. *City of Edmonton Policy Administrative Directive A1104A – Hiring*
4. *EPC Policy 3.1.6 – Respectful Workplace*

**APPENDIX G – EDMONTON
POLICE COMMISSION FOIPP
PROCEDURES**

EDMONTON POLICE COMMISSION FOIPP PROCEDURES

DEFINITIONS:

Access – The availability of records of the Commission for a member of the public to view or copy. The Act provides any person with a right to access to records or to their own personal information that is in the custody or under the control of a public body.

Act – means *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25.

Applicant – Any person who makes a request under the Act for access to a record.

Collection - Collection occurs when a public body gathers, acquires, receives or obtains personal information. It includes activities where individuals respond through interviews, questionnaires, surveys, polling, or by completing forms in order to provide information to public bodies. The means of collection may be in writing, audio or video taping, electronic data entry or other such means that results in personal information being recorded.

Commission – means the Edmonton Police Commission

Complaint - A formal expression of dissatisfaction submitted by an applicant or other person to the Privacy Commissioner. A complaint may be based on one or more of the grounds specified in the Act:

- The Commission has not met its duty to assist;
- The Commission's extension of time for responding to a request is not in accordance with the Act;
- A fee charged by the Commission is inappropriate;
- A correction of personal information has been refused without justification; or
- Personal information has been collected, used or disclosed by the Commission in contravention of the Act.

Continuing Request - An access request that continues to be in effect for up to two years. A delivery schedule is provided to the applicant along with an explanation as to why those dates for delivery were chosen, and the request is reactivated at intervals set out in the schedule. Each time the request is processed, records newly in the custody or under the control of the public body since the last delivery are provided to the applicant.

Custody - For the purposes of determining whether a record is "in the custody of" a public body such that the Act applies, "custody" means physical possession.

Disclosure – Disclosure means to release, transmit, reveal, expose, show, provide copies of, tell the contents of, or give personal information by any means to someone. It includes oral transmission of information by telephone, or in person; provision of personal information on paper, by facsimile or

in another format; and electronic transmission through electronic mail, data transfer or the Internet.

Discretion - The power to make a decision that cannot be determined to be right or wrong in an objective sense. Discretion amounts to the power of the decision-maker to choose a particular course of action for good reasons and in good faith, after considering the relevant facts and circumstances; the applicable law, including the objects of the Act; and the proper application of the law to the relevant facts and circumstances.

Extension - In the context of the access request process under the Act, the lengthening of the 30-day time limit for responding to the request. An extension can be claimed only if:

- the applicant does not provide enough details to enable the record to be identified;
- a large number of records are requested or must be searched and responding within 30 days would unreasonably interfere with the operations of the public body;
- more time is needed to consult with a third party or another public body before deciding whether to grant access to a record;
- a third party requests a review of the public body's decision on access to third party information; or
- there are multiple concurrent requests made by the same applicant, or by two or more applicants who work for the same organization or who work in association with each other

Fees - The charges that an applicant pays to the Commission for services related to the processing of an access request. The Regulation sets out the services for which fees may be charged and the maximum charges for providing these services. Fees may not exceed the actual cost of providing the service.

FOIPP – Refers to the Act.

FOIPP Coordinator - Means the person designated by the Commission responsible for the overall management of its access to information and protection of privacy functions and responsibilities.

Harm(s) Test - A test or set of criteria used to determine whether disclosure of records or information would cause damage or detriment to the Commission. To meet the standard required to decide that disclosure could reasonably be expected to cause harm the following must apply:

- there must be a reasonable expectation of probable harm (not just a well-intentioned but unjustifiably cautious approach to the avoidance of any risk whatsoever because of the sensitivity of the matters at issue);
- the harm must constitute damage or detriment, not mere interference or inconvenience; and
- there must be a causal connection between disclosure and the anticipated harm.

Information – Information may mean, but is not limited to, operational or administrative records, knowledge or data, regardless of how it is stored or kept. It can include electronic data, written or printed information, and verbal conversation.

Personal Information - Is defined in s.1(n) of the Act and is recorded information about an identifiable individual, including but not limited to the individual's name, home or business address or home or business telephone number, the individual's race, national or ethnic origin, colour, religious or political beliefs or associations, the individual's age, sex, marital or family status, information about the individual's educational, financial, employment or criminal history, and anyone else's opinions about the individual.

Privacy Commissioner - The Information and Privacy Commissioner appointed under the Act. The Privacy Commissioner is an Officer of the Legislature and is independent of government.

Public Body - Is defined in s.1(p) of the Act and includes the Commission and the City of Edmonton.

Public Interest - For the purpose of the mandatory provision for disclosure in the public interest found in section 32(1) of the Act, information "clearly in the public interest" refers to information of compelling public interest, not just of interest or of curiosity to the public, a group of people, a person, or the applicant.

Record - Is defined in s.1(q) of the Act and means a record of information in any form and includes notes, images, audio-visual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software programs or packages or any mechanism that produces records.

Regulation - The *Freedom of Information and Protection of Privacy Regulation*, Alta Reg 186/2008.

Routine Disclosure - A process whereby access to a record is granted without a request under the Act, usually in response to a routine inquiry or request.

Severing - The physical removal, by masking or other means, of any information that is excepted from disclosure in order that the remainder may be disclosed.

Transitory Record - A record that has only immediate or short-term usefulness and will not be needed again in the future. Transitory records contain information that is not required to meet legal or financial obligations or to sustain administrative or operational functions and has no archival value.

ACCESS TO RECORDS:

Subject to the exceptions set out in the Act, any person has a right of access to any record in the custody or under the control of the Commission, including a record containing personal information about the applicant (section 6(1) of the Act).

There are no restrictions as to who may make a request. The applicant can be any person who is residing inside or outside of Alberta, including individuals, corporations, and organizations. The Act does not specify a minimum age, which means that minors may also make requests.

Section 7(2) of the Act requires that the request be in writing and provide enough detail to enable the Commission to identify the record.

The applicant can use the official request form (will be attachment #1 – still need to decide which form we will use).

Alternatively, an applicant may simply write a letter or send an email requesting records and referencing the Act.

The Act provides the Commission with 30 calendar days to respond to a request for access to records. However, days spent clarifying the scope of the request or awaiting payment of fees or a decision on fee waiver will extend the 30 calendar day response time.

The Commission may take an additional 30 days if the scope of a request is large or if we need to consult with a third party about the records. Any other extensions of time must be approved by the Office of the Information and Privacy Commissioner of Alberta.

Section 7(3) of the Act permits an applicant to examine the record or to obtain a copy of it. The right to examine the record is subject to section 4 of the Regulation. A Harm's test may be applied to the request to determine whether allowing examination of the record would unreasonably interfere with the Commission's operations or might result in the disclosure of information that the Commission may or must not disclose. In those circumstances, the Commission may require that the applicant be given a copy of the record rather than examining it.

Section 6(3) of the Act states that the right of access is subject to the payment of any fee required by the Regulation.

Section 11 of the Regulation states that an initial fee of \$25 for a one-time request, or \$50 for a continuing request, must accompany a request for general records. There is no initial fee when the applicant is requesting his or her own personal information.

The FOIPP Coordinator for the Commission will make every reasonable effort to assist applicants, and to respond to each applicant openly, accurately and completely. The Commission's obligations under section 10(1) of the Act will continue throughout the request process.

FEES:

The Act allows the Commission to charge fees to help offset the cost of providing applicants with access to records. The Act provides for a fee structure that is intended to support effective provision of services under the Act. (See attachment #2 for Schedule of fees)

The Commission may require an applicant to pay fees for services as provided for in the Regulation (section 93(1)).

For personal information, fees are restricted to the cost of producing a copy of the record as per the Regulation if those costs exceed \$10.00 (section 93(2)).

If fees are required under section 93(1), an estimate of the total fee will be prepared by the Commission's FOIPP Coordinator for the applicant prior to providing the services.

An applicant may, in writing, request that the Commission excuse the applicant from paying all or part of the estimated fees (section 93(3.1)).

The Commission may excuse an applicant from paying all or part of a fee if, in the opinion of the FOIPP Coordinator:

- the applicant cannot afford the payment or for any other reason it is fair to excuse the payment; or
- the record relates to a matter of public interest.

Section 11(4) and Schedule 2 of the Regulation set out the maximum fees that may be charged for processing a general access request.

The Commission's FOIPP Coordinator may require an applicant who makes a request under the Act to pay fees for the following services if the total amount of estimated fees exceeds \$150.00:

- locating and retrieving a record;
- producing a record from an electronic record;
- preparing a record for disclosure (to cover the time taken to physically sever the record);
- producing a copy of a record;
- creating a new record from an electronic record under section 10(2) of the Act;
- supervising the examination of an original record; and
- shipping.

GST is not charged on fees for processing FOIPP requests and fees must be made payable to the City of Edmonton.

The applicant has up to 20 days to accept the fee estimate and to pay 50% of the estimated fees, or to modify the scope of the request to reduce the fees, to request a waiver of the fees, or withdraw the request. Processing of a request will not commence until the initial fees have been paid or waived.

Applicants who submit a continuing request of up to two years pursuant to section 9(1) of the Act will be provided with an estimate of the total fees payable over the course of the continuing request and the fees that will be required for each scheduled installment of the request. Processing of these requests will cease until the applicant has provided 50% of the estimated fees applicable to the first installment. Since each installment of a continuing request is viewed as a new request, the processing of any subsequent installment starts only on receipt of 50% of the estimated fees applicable to the delivery of that installment.

ATTACHMENT #2

The amounts of the fees set out in the following Schedule are the maximum amounts that can be charged to applicants:

1	For searching for, locating and retrieving a record	\$6.75 per 1/4 hr.
2	For producing a record from an electronic record:	
	(a) Computer processing and related charges	Actual cost to Commission
	(b) Computer programming	Actual cost to Commission up to \$20.00 per 1/4 hr.
3	For producing a paper copy of a record:	
	(a) photocopies and computer printouts:	
	(i) black and white up to 8 1/2" x 14"	\$0.25 per page
	(ii) other formats	\$0.50 per page
	(b) from microfiche or microfilm	\$0.50 per page
	(c) plans and blueprints	Actual cost to Commission
4	For producing a copy of a record by duplication of the following media:	
	(a) microfiche and microfilm	Actual cost to Commission
	(b) computer disks	\$5.00 per disk
	(c) computer tapes	Actual cost to Commission
	(d) slides	\$2.00 per slide
	(e) audio and video tapes	Actual cost to Commission
5	For producing a photographic copy (colour or black and white) printed on photographic paper from a negative, slide or digital image:	
	(a) 4" x 6"	\$3.00
	(b) 5" x 7"	\$6.00
	(c) 8" x 10"	\$10.00
	(d) 11" x 14"	\$20.00
	(e) 16" x 20"	\$30.00
6	For producing a copy of a record by any process or in any medium or format not listed in sections 3 to 5 above	Actual cost to Commission
7	For preparing and handling a record for disclosure	\$6.75 per 1/4 hr.
8	For supervising the examination of a record	\$6.75 per 1/4 hr.
9	For shipping a record or a copy of a record	Actual cost to Commission