

BYLAW NO. 7-99

**BEING A BYLAW OF THE BEAVER
REGIONAL WASTE MANAGEMENT
SERVICES COMMISSION, IN THE
PROVINCE OF ALBERTA,
PROVIDING FOR PAYMENT OF FEES
REGARDING SERVICES PROVIDED
PURSUANT TO THE FREEDOM OF
INFORMATION AND PROTECTION OF
PRIVACY ACT.**

WHEREAS pursuant to s. 87 of the Freedom of Information and Protection of Privacy Act, the Beaver Regional Waste Management Services Commission requires that fees be paid for services provided pursuant to that Act;

NOW THEREFORE, the Board of the Beaver Regional Waste Management Services Commission, in the Province of Alberta, duly assembled, enacts:

TITLE

1. This Bylaw may be cited as the "Freedom of Information and Protection of Privacy Fees Bylaw".

DEFINITIONS

2. In this Bylaw:
 - (a) Any capitalized words not defined within this Bylaw will have the meaning as set out in the Freedom of Information and Protection of Privacy Act (the "Act") and Regulations, as amended from time to time.
3. If a provision of this Bylaw is found by a Court of competent jurisdiction to conflict with a statute of Alberta or Canada or a regulation made thereunder then the provision of the Bylaw so conflicting shall be deemed to be amended to the extent necessary to allow the provision to comply with the statute with which it conflicts.
4. Words importing the masculine gender only, include the feminine gender whenever the context so requires.
5. Words importing the singular shall include the plural or vice versa whenever the context so requires.

6. The Beaver Regional Waste Management Services Commission requires that applicants for services under the Freedom of Information and Protection of Privacy Act pay to the Commission fees for services provided.
7. The fees specified in Alberta Regulation 200/95, as amended from time to time, are the fees applicable to be paid by any applicant for services provided by the Beaver Regional Waste Management Services Commission in accordance with the Freedom of Information and Protection of Privacy Act. Such fees are payable in accordance with the applicable provisions of the Act of Alberta Regulation 200/98. The applicable provisions of Regulation 200/95, as it exists at the date of this Bylaw, are attached as **Schedule "A"** for convenience.
8. The fees set out in **Schedule "A"** do not apply to the request by an applicant for their own personal information, except for the cost of producing a copy of that information.

TRANSITION

9. This Bylaw comes into effect on the date of the final passing.

PASSED this 16 day of September, A.D. 1999.



CHAIRMAN



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

Fees

9 Where an applicant is required to pay a fee for services, the fee is payable in accordance with sections 10, 11, 12 and 13.

Fees for non-personal information

10(1) This section applies to a request for access to a record that is not a record of the personal information of the applicant.

(2) An applicant is required to pay

- (a) an initial fee of \$25 when a non-continuing request is made, or
- (b) an initial fee of \$50 when a continuing request is made.

(3) Processing of a request will not commence until the fee has been paid.

(4) In addition to the initial fee, fees in accordance with Schedule 2 may be charged if the amount of the fees, as estimated by the public body to which the request has been made, exceeds \$150.

(5) Where the amount exceeds \$150, the total amount is to be charged.

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

Fees for personal information

11(1) This section applies to a request for access to a record that is a record of the personal information of the applicant.

(2) Only fees for copying in accordance with item 6 of Schedule 2 may be charged if the amount of the fees as estimated by the public body to which the request has been made exceeds \$10.

(3) Where the amount estimated exceeds \$10, the total amount is to be charged.

Estimate of fees

12(1) An estimate provided under section 87(3) of the Act must set out

(a) the time and cost required

(i) to search, locate and retrieve the record;

(ii) to prepare the record for disclosure;

(a.1) the cost of copying the record;

(b) the cost of computer time involved in locating and copying a record or, if necessary, re-programming to create a new record,

(c) the cost of supervising an applicant who wishes to examine the original record, when applicable;

(d) the cost of shipping the record or a copy of the record.

(2) An estimate for access to a record of the personal information of the applicant need only include the time and cost of copying the record.

(3) In the case of a continuing request, the estimate is to include the total fees payable over the course of the continuing request.

(4) An applicant has up to 20 days to indicate if the fee estimate is accepted or to modify the request to change the amount of fees assessed.

Payment of fees

- 13(1) Processing of a request ceases once a notice of estimate has been forwarded to an applicant and recommences immediately on
 - (a) the receipt of an agreement to pay the fee, and
 - (b) the receipt of at least 50% of any estimated fee that exceeds \$150.
- (2) The balance of any fee owing is payable at the time the information is delivered to the applicant.
- (3) Fees, other than an initial fee, or any part of those fees will be refunded if the amount paid is higher than the actual fees required to be paid.
- (4) In the case of a continuing request, the portion of the estimate applicable to each delivery of the request
 - (a) must be paid at the time of delivery, and
 - (b) is to be used to calculate any required payment under subsection (1).