

NO: R113

COUNCIL DATE: June 24, 2019

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **June 19, 2019**

FROM: **General Manager, Corporate Services** FILE: **3900-01**

SUBJECT: **Amendments to Surrey Fee Setting By-law - Freedom of Information and Protection of Privacy Act Services**

RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Approve amendments to Schedule K of the *Surrey Fee Setting By-Law, 2001, No. 14577*, as documented in Appendix "I" of this report, which sets out fees related to requests for information under *Freedom of Information and Protection of Privacy Act* (the "Act"); and
3. Authorize the City Clerk to bring forward the necessary amendment bylaw for the required readings.

INTENT

The purpose of this report is to seek Council's approval to amend Schedule K of the *Surrey Fee Setting By-Law, 2001, No. 14577* (the "By-law") to align the City's fees and charges related to information requests with the fees and charges currently reflected under the *Freedom of Information and Protection of Privacy Regulation* (the "Regulation").

BACKGROUND

The City is responsible for allowing access to information while protecting privacy as set out under the Act. The Regulation outlines what fees can be charged when responding to requests for information under the Act. Fees and charges related to such requests are set out in the proposed amended Schedule K of the By-law. The details of the proposed amendments are contained in Appendix "II".

DISCUSSION

On December 18, 2017, Council adopted an amended By-law which authorized the inclusion of Schedule K.

Following the adoption of Scheduled K into the By-law, it was discovered that the fee amounts reflected therein did not mirror the fee amounts outlined in the Regulation. Notwithstanding this error, the City has been charging the correct fees in accordance with the Regulation. Accordingly, a bylaw amendment is required to amend the fees outlined in Schedule K as per the regulation.

Legal Services Review

Legal Services has reviewed this report and has no concerns.

SUSTAINABILITY CONSIDERATIONS

The recommendations of this report support the objectives of the City's Sustainability Charter 2.0. In particular, the recommendations support the Sustainability Charter 2.0 theme of Inclusion. Specifically, the Bylaw amendment supports the following Strategic Direction ("SD"):

- Community Pride and Engagement SD16: Enhance the opportunities available for residents to be meaningfully engaged in civic issues.

CONCLUSION

It is recommended that Council approve amendments to Schedule K of the *Surrey Fee Setting By-Law, 2001, No. 14577* and authorize the City Clerk to bring forward the necessary amendment bylaw for the required readings in order to bring the fees and charges related to information requests under the Act in accordance with the Regulation.

Rob Costanzo
General Manager, Corporate Services

Appendix "I": Proposed Schedule K
Appendix "II": Summary of Changes to Schedule K
Appendix "II": Current Schedule K

Schedule K
Surrey Fee-Setting By-law

Pursuant to Section 194 of the “Community Charter” there is hereby levied a fee for Freedom of Information and Protection of Privacy Act services provided as follows:

The fees listed below are in accordance with “Freedom of Information By-law, 1999, No. 13662”.

Fees – Applicants Other Than Commercial Applicants

<u>Services Provided</u>	<u>Fee</u>
1. Locating and retrieving a record	\$7.50 per ¼ hour (Note: the first 3 hours are free of charge)
2. Preparing a record for disclosure	\$7.50 per ¼ hour
3. Shipping copies of a record	actual cost of shipping method chosen by applicant
4. Copying format:	
Black and white photocopy of a record	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
Colour photocopy of a record	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
Scanned electronic copy of a paper record	\$0.10 per page
DVD/CD	\$4.00 per disk

Fees – Commercial Applicants

For each service listed above, the cost will be the actual cost of providing that service.

Routine Release Records

The above fees do not apply to records routinely available for release. In the case of routine release records, the applicable administrative fees apply. (As outlined in this bylaw)

All fees are subject to applicable taxes.

Schedule K
Surrey Fee-Setting By-law

Pursuant to Section 194 of the “Community Charter” there is hereby levied a fee for Freedom of Information and Protection of Privacy Act services provided as follows:

The fees listed below are in accordance with “Freedom of Information By-law, 1999, No. 13662”.

Fees – Applicants Other Than Commercial Applicants

<u>Services Provided</u>	<u>Fee</u>
1. Locating and retrieving a record	\$9.00 <u>7.50</u> per ¼ hour or the actual cost of staff time, whichever is greater (Note: the first 3 hours are free of charge)
2. Preparing a record for disclosure	\$9.00 <u>7.50</u> per ¼ hour
3. Shipping copies of a record	actual cost of shipping method chosen by applicant
4. Copying format:	
Black and white electronic copy or photocopy of a record	\$0.25 per page (8.5" x 11", <u>8.5" x 14" or 11" x 17"</u>)
Colour electronic copy or photocopy of a record	\$0.45 <u>1.65</u> per page (8.5" x 11")", <u>8.5" x 14" or 11" x 17"</u>)
Black and white Scanned electronic copy or photocopy of an oversized <u>paper</u> record	\$0.30 <u>1.0</u> per page or actual cost of reproduction, whichever is greater
Colour electronic copy or photocopy of an oversized record	\$0.50 per page or actual cost of reproduction, whichever is greater
DVD/CD	\$4.00 per disk, plus per page costs as specified in (d)(i) to (iv)

Fees – Commercial Applicants

For each service listed above, the cost will be the actual cost of providing that service.

Routine Release Records

The above fees do not apply to records routinely available for release. In the case of routine release records, the applicable administrative fees apply. (As outlined in this bylaw)

All fees are subject to applicable taxes.

Schedule K
Surrey Fee-Setting By-law

Pursuant to Section 194 of the “Community Charter” there is hereby levied a fee for Freedom of Information and Protection of Privacy Act services provided as follows:

The fees listed below are in accordance with “Freedom of Information By-law, 1999, No. 13662”.

Fees – Applicants Other Than Commercial Applicants

<u>Services Provided</u>	<u>Fee</u>
1. Locating and retrieving a record	\$9.00 per ¼ hour or the actual cost of staff time, whichever is greater (Note: the first 3 hours are free of charge)
2. Preparing a record for disclosure	\$9.00 per ¼ hour
3. Shipping copies of a record	actual cost of shipping method chosen by applicant
4. Copying format:	
Black and white electronic copy or photocopy of a record	\$0.25 per page (8.5" x 11")
Colour electronic copy or photocopy of a record	\$0.45 per page (8.5" x 11")
Black and white electronic copy or photocopy of an oversized record	\$0.30 per page or actual cost of reproduction, whichever is greater
Colour electronic copy or photocopy of an oversized record	\$0.50 per page or actual cost of reproduction, whichever is greater
DVD/CD	\$4.00 per disk, plus per page costs as specified in (d)(i) to (iv)

Fees – Commercial Applicants

For each service listed above, the cost will be the actual cost of providing that service.

Routine Release Records

The above fees do not apply to records routinely available for release. In the case of routine release records, the applicable administrative fees apply. (As outlined in this bylaw)

All fees are subject to applicable taxes.