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Personal Information Protection Act (PIPA)
PIPA ADVISORY #5
ACCESS REQUESTS UNDER PIPA: FEES

This document was prepared to help organizations implement the *Personal Information Protection Act* (“PIPA” or “the Act”). This document is an administrative tool intended to assist in understanding the Act. It is not intended as, nor is it a substitute for, legal advice. For the exact wording and interpretation of PIPA, please read the Act in its entirety. This Advisory is not binding on the Information and Privacy Commissioner of Alberta (OIPC).

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Introduction

The *Personal Information Protection Act* (“PIPA” or “the Act”) provides individuals with a right to access their own personal information contained in a record in an organization’s custody or control. Under certain circumstances, the Act also allows organizations to charge a fee for access to personal information.

This Advisory is part of a series developed by the OIPC to assist organizations in handling and responding to requests for access. It reviews an organization’s responsibilities with respect to charging fees for requests for access to personal information.

Reasonable fees

Section 32(1) of the Act allows an organization to charge a “reasonable fee” in responding to an individual who makes a request for access to his or her own personal information. However, the Act does not oblige an organization to charge a fee.

A reasonable fee might include:

- a flat fee – for example, all requests for access first require payment of a \$15 application fee
- a “per page” copying fee – such as \$0.25 per page, or the amount a commercial copier would charge
- charging for the actual costs to retrieve records from off-site storage
- charging, at minimum or clerical wage, a reasonable amount of time to retrieve and respond to the request.

“Unreasonable” fees could include:

- attempting to recover costs the organization incurs from having legal counsel review responsive records
- charging “per page” for documents that have had all meaningful information severed
- charging an amount that is intended to deter the applicant from requesting access to the records
- charging an amount that is intended to make the right of access process a revenue generating activity.

Fees cannot be charged

An organization is prohibited under section 32(2) of the Act from charging a fee for responding to an individual’s request to correct personal information.

As well, section 18 of the PIPA Regulation prohibits an organization from charging a fee to process a request for personal employee information. “Personal employee information” is defined in the Act to mean personal information that is reasonably required by an organization to recruit, manage or terminate a potential or current employee. It does not include personal information that is unrelated to the employment or volunteer work relationship.

For more information about “personal employee information,” please refer to [Information Sheet 5: Personal Employee Information](#), on the Alberta Government Services, Access and Privacy Branch website at www.pipa.gov.ab.ca.

Negotiating & reducing fees

When the Act allows for a fee to be charged, it is discretionary on the part of the organization. If the applicant indicates the fee is beyond his or her ability to pay, the organization may want to consider reducing its normal fees.

If the applicant believes that the fee is not reasonable, he or she has a right to request that the Information and Privacy Commissioner review whether the estimated fee is reasonable.

TIP: Organizations should be prepared to defend how they arrived at a “reasonable” fee, in case the applicant requests the OIPC review a fee estimate.

Organizations can help to reduce the fees incurred by an applicant, as well as the amount of work the organization has to do in responding to a request for access.

If there are a large number of records responsive to the applicant’s request and, as a result the fees will be significant, the organization can ask the applicant if she or he would like to modify the scope of the request to include only those records held by specific departments or staff members, for example, or records falling within a defined date range.

If the responsive records include many duplicate documents, the applicant may wish to omit duplicate records in order to help reduce any “per page” fees that might have been charged.

Example: An individual requested an organization provide her with a copy of “all documents containing her personal information.” The individual had been a customer of the organization for 32 years. The organization’s Privacy Officer found approximately 1500 responsive records. At \$0.25 per page to photocopy the records, the fee to the individual was estimated at \$375.

The organization discussed the estimated fee amount with the individual, who indicated she wanted current

records only, and not those held in off-site storage. She also stated she did not want copies of identical documents from each staff member's files.

The organization was able to reduce the number of responsive records significantly, and charged the individual \$75.

Note: In trying to confirm the scope of a request, an organization should not ask why the applicant is making the request. Applicants have the right to make a request, and do not need to provide a reason.

Fee estimates

If an organization intends to charge an applicant a fee for access to personal information, section 32(3) of the Act states that the organization must give the applicant a written estimate of the total fee before providing the service.

In preparing a fee estimate, an organization should first try to assess the volume of records that will be responsive to the applicant's request (for more information on conducting a search for records, see PIPA Advisory #3 *Access Requests Under PIPA: Responding to a Request*).

A written fee estimate must clearly explain how the fee was determined. If the organization charges a flat fee for access requests, the organization must indicate this to the applicant.

Example: An organization determines there are 33 records responsive to an applicant's request for access, some of which must be retrieved from off-site storage. The organization informs the applicant that the estimated fee for responding to her request is \$92.50, based on the following:

Estimated number of records:	33
Photocopying 33 pages @ \$0.25/page	\$ 8.25
Retrieval of records from storage	\$ 10.00
Time to retrieve and review records 2.75 hours @ \$27.00/hr	\$ 74.25
Total Estimated Fee	\$ 92.50

Where an organization has given an applicant a fee estimate but has not heard from the applicant within 30 days of “the day the estimate was given to the applicant,” section 16 of the PIPA Regulation states that the organization is no longer required to respond to the request.

TIP: The “day the estimate was given to the applicant” refers to the day the estimate was sent to the applicant. As a best practice, organizations should consider how long it will take a letter to reach the applicant, and count 30 days from that point.

TIP: When notifying an applicant of a fee estimate, an organization should also indicate:

- who at the organization the applicant can discuss the fee estimate with
- that the applicant must contact the organization within 30 days of receiving the estimate to indicate the estimate is accepted and pay any required deposit
- the 45 day timeline for responding to the applicant’s request is stopped until the applicant accepts the fee estimate and pays any required deposit
- if the organization does not hear from the applicant within 30 days of providing the estimate, it will consider the request withdrawn.

Requiring a deposit

Section 32(3)(b) allows an organization to require that an applicant pay a deposit of an amount determined by the organization.

TIP: Any deposit charged should be sufficiently less than the estimated fee to avoid the possibility of the applicant overpaying. The true fee may not be known until the organization has completed its review of documents and determined which records will be completely or partially severed.

Where all or part of an agreed upon fee remains owing, section 17 of the PIPA Regulation states that the balance is payable at the time the information is delivered to the applicant. The organization may

require that the outstanding amount be paid before providing the requested information.

An organization may choose to notify the applicant that the response is ready, but the organization requires payment prior to releasing the records. The organization should enclose an invoice for the outstanding amount, and refer to section 17(2) of the PIPA regulation, which authorizes the organization to withhold the information until payment is received. Again, it may be helpful to include a copy of the original fee estimate.

The organization may require an applicant to establish his or her identity before the records are given out (for example, require the applicant to pick up the records in person and provide identification, or send the records by registered mail where the applicant's signature is required for delivery).

**Other
resources**

For an overview of the Act with examples and tips for incorporating good privacy practices, see [*A Guide for Businesses and Organizations on the Personal Information Protection Act.*](#)

[*The Personal Information Protection Act, A Summary for Organizations*](#) summarizes the key obligations of organizations.

[*Ten Steps to Implement PIPA*](#) is a quick reference for organizations preparing for the Act.

Publications are available at the web site of the Office of the Information and Privacy Commissioner (www.oipc.ab.ca).

Publications are also available online at the Alberta Government Services, Access and Privacy Branch website (www.pipa.gov.ab.ca).

Visit the Queen's Printer website to view an online version of the Act (www.qp.gov.ab.ca).