

Email: 28(1)

July 10, 2018

CONFIDENTIAL

28(1)

Dear 28(1) :

Re: Access to Information Request #2018-031 – Pesticides

This is further to your access to information request received by the City on June 13, 2018, and application fee received on July 3, 2018, quoted as follows:

“...Provide me with a list/names of all pesticides used in Regina. Please also provide where they are used, what they are used for, when they are used and which ones are sprayed.”

In an email on June 18, 2018 you clarified that the timeframe for the above request is 2016 and 2017.

The City does not maintain a list of pesticides with the information you have requested. We have enclosed information the City has readily available:

- 2017 State of the Urban Forest
- IPM Program Totals 2017
- Parks Department Pesticide Usage

If the information enclosed is not sufficient and you wish to proceed with your request for additional information as indicated above, the following fees may apply to your request as there are a large number of records and it will take time to locate and prepare the records for release.

Fee Type	# of Staff	Fee Calculations	Fees
Paper records - Time required to search	1	1 hr(s) \$30 /hr	\$30.00

Electronic records - Time to search for and review search results	1	0.2	hr(s)	\$30 /hr	\$4.80
Paper and Electronic records - Time to locate relevant info		0.7	hr(s)	\$30 /hr	\$19.50
Time required to prepare records for disclosure	1	5	hr(s)	\$30 /hr	\$150.00
Subtotal:					\$204.30
Fees Waived					-\$100.00
USB Drive	1	USB		\$14 /ea	\$14.00
Photocopies of Records	0	pg(s)		0.25 /pg	\$0.00
Other Fees Required per section 5 LA FOIP Regulations	0	Copies x fees per unit			\$0.00
Total Fees:					\$118.30
Deposit Required - 50% of Total Fees:					\$59.15

The above fees have been calculated pursuant to section 5 of *The Local Authority Freedom of Information and Protection of Privacy Regulations* and a copy is enclosed for your reference.

On the Access to Information Request Form, you requested a waiver of the processing fee. If you wish to proceed with the request noted above, we are providing you with an Application for Fee Waiver form. In order to determine your eligibility, you will be required to:

- complete and return the Application for Fee Waiver form
- provide documented evidence of inability to pay based on income, assets and expenses
- indicate why using public resources to provide this information to you is in the public interest.

Personal information submitted in support of a fee waiver request is protected under *The Local Authority Freedom of Information and Protection of Privacy Act (the Act)* and is used only for the purpose of determining eligibility.

Once we receive your documentation we will determine your eligibility for a fee waiver and provide you with a response.

If we do not receive a response within 30 calendar days of the date of this letter, your request for access will be considered abandoned pursuant to s. 7.1 of the *Act* and your file will be closed.

If you wish to exercise your right to request a review of this decision, you may complete a Request for Review form and forward it to the Saskatchewan Information and Privacy Commissioner within one year of this notice. A copy of this form can be found at <http://www.qp.gov.sk.ca/documents/Forms/L27-1R1-B.pdf> or you may contact the Saskatchewan Information and Privacy Commissioner at 306-787-8350.

If you have any questions or require additional information you can reach Darlene Loucks at 306 – 777-7070, or by email at lafoip@regina.ca.

Yours truly,



Jim Nicol
City Clerk

/del

CHAPTER L-27.1 REG 1

The Local Authority Freedom of Information and Protection of Privacy Act

Title

1 These regulations may be cited as *The Local Authority Freedom of Information and Protection of Privacy Regulations*.

Interpretation

2(1) In these regulations:

(a) "Act" means *The Local Authority Freedom of Information and Protection of Privacy Act*;

(b) "employment reference" means personal information that is evaluative or opinion material compiled solely for the purpose of describing an individual's suitability, eligibility or qualifications for employment.

(2) For the purposes of subclause 2(f)(iv) of the Act, "committee of a council" includes a board as defined in *The Police Act, 1990*.

16 Jly 93 cL-27.1 Reg 1 s2; 15 Dec 2017 SR
125/2017 s3.

Local Authorities prescribed

3(1) For the purposes of subclause 2(f)(v) of the Act, the bodies set out in Part I of the Appendix are prescribed as local authorities.

(2) For the purposes of subclause 2(f)(xvii) of the Act, the bodies set out in Part II of the Appendix are prescribed as local authorities.

16 Jly 93 cL-27.1 Reg 1 s3; 11 Jly 97 SR 58/97
s3.

Applications

4 For the purposes of clause 6(1)(a) of the Act, Form A of Part III of the Appendix is the form prescribed for applications for access to records.

16 Jly 93 cL-27.1 Reg 1 s4.

Fees

5(1) An application fee of \$20 is payable at the time an application for access to a record is made.

(2) Where access to a record or part of a record is given by providing the applicant with a copy of the record, the following fees are payable at the time when access is given:

(a) for a photocopy, \$0.25 per page;

(b) for a computer printout, \$0.25 per page;

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(b.1) for electronic copies, the actual cost of the portable storage device provided to the applicant;

(c) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(d) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(e) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(f) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(g) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(h) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(i) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(j) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(k) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(l) for a form of record not mentioned in clauses (a) to (b.1), the actual cost of copying the record.

(3) Where time in excess of one hour is spent in searching for a record requested by an applicant or in preparing it for disclosure, a fee of \$15 for each half-hour or portion of a half-hour of that excess time is payable at the time when access is given.

(4) Where a search and retrieval of electronic data is required to give access to a record requested by an applicant, a fee equal to the actual cost of the search and retrieval, including machinery and operator costs, is payable at the time when access is given.

16 Jly 93 cL-27.1 Reg 1 s5; 15 Dec 2017 SR
125/2017 s4.

Estimate

6(1) For the purposes of subsection 9(2) of the Act, the amount of fees beyond which an estimate must be given by the head is \$100 in excess of the fee set out in subsection 5(1).

(2) Where the amount of an estimate exceeds the actual amount of fees determined pursuant to this Act, the actual amount of fees is the amount payable by the applicant.

16 Jly 93 cL-27.1 Reg 1 s6; 15 Dec 2017 SR
125/2017 s5.

Fees where access refused

7(1) No fees are payable pursuant to subsections 5(2) to 5(4) where access to a record is refused.

(2) Where a deposit has been paid pursuant to subsection 9(4) of the Act and access to the record requested is refused, the amount of the deposit in excess of the fee set out in sub-section 5(1) is to be refunded to the applicant.

16 Jly 93 cL-27.1 Reg 1 s7.

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Response required

7(1) Where an application is made pursuant to this Act for access to a record, the head of the local authority to which the application is made shall:

- (a) consider the application and give written notice to the applicant of the head's decision with respect to the application in accordance with subsection (2); or
- (b) transfer the application to another local authority or to a government institution in accordance with section 11.

(2) The head shall give written notice to the applicant within 30 days after the application is made:

- (a) stating that access to the record or part of it will be given on payment of the prescribed fee and setting out the place where, or manner in which, access will be available;
- (b) if the record requested is published, referring the applicant to the publication;
- (c) if the record is to be published within 90 days, informing the applicant of that fact and of the approximate date of publication;
- (d) stating that access is refused, setting out the reason for the refusal and identifying the specific provision of this Act on which the refusal is based;
- (e) stating that access is refused for the reason that the record does not exist;
- (f) stating that confirmation or denial of the existence of the record is refused pursuant to subsection (4); or
- (g) stating that the request has been disregarded pursuant to section 43.1 and setting out the reason for which the request was disregarded.

(3) A notice given pursuant to subsection (2) is to state that the applicant may request a review by the commissioner within one year after the notice is given.

(4) If an application is made with respect to a record that is exempt from access pursuant to section 14, 20 or 21 or subsection 28(1), the head may refuse to confirm or deny that the record exists or ever did exist.

(5) A head who fails to give notice pursuant to subsection (2) is deemed to have given notice, on the last day of the period set out in that subsection, of a decision to refuse to give access to the record.

1990-91, c.L-27.1, s.7; 2017, c.17, s.7.

Applications deemed abandoned

7.1(1) If the head has invited the applicant to supply additional details pursuant to subsection 6(3) or has given the applicant notice pursuant to clause 7(2)(a) and the applicant does not respond within 30 days after receiving the invitation or notice, the application is deemed to be abandoned.