

2014 Bill 204

Second Session, 28th Legislature, 63 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 204

FREEDOM OF INFORMATION AND PROTECTION OF  
PRIVACY (MLA PUBLIC INTEREST FEE WAIVER)  
AMENDMENT ACT, 2014

MR. BARNES

First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

*Bill 204*  
*Mr. Barnes*

## **BILL 204**

2014

### **FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY (MLA PUBLIC INTEREST FEE WAIVER) AMENDMENT ACT, 2014**

*(Assented to , 2014)*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### **Amends RSA 2000 cF-25**

**1 The *Freedom of Information and Protection of Privacy Act* is amended by this Act.**

#### **2 Section 63(1) is amended**

**(a) by striking out “and” at the end of clause (b);**

**(b) by adding the following after clause (b):**

- (b.1) any fee waivers granted pursuant to section 93.1, the name of the Member of the Legislative Assembly who received the fee waiver and the public body involved, and

## Explanatory Notes

**1** Amends chapter F-25 of the Revised Statutes of Alberta 2000.

**2** Section 63 presently reads:

*63(1) The Commissioner must report annually to the Speaker of the Legislative Assembly on*

- (a) the work of the Commissioner's office,*
- (b) any complaints or reviews resulting from a decision, act or failure to act of the Commissioner as head of a public body, and*
- (c) any other matters relating to freedom of information and protection of personal privacy that the Commissioner considers appropriate.*

*(2) The Speaker must lay each annual report before the Legislative Assembly as soon as possible.*

**3 The following is added after section 93:**

**MLAs' right to fee waiver**

**93.1(1)** Subject to subsection (2), an applicant who is a member of the Legislative Assembly is entitled to a waiver of a fee for services under section 93 under the following circumstances:

- (a) the applicant has requested that the head of a public body excuse the applicant from paying the fee pursuant to section 93(3.1) and the head of the public body has refused the request,
- (b) the applicant notifies the Commissioner within 60 days of the public body's refusal of the request, and
- (c) the applicant has not been granted more than 4 fee waivers under this section for the current calendar year.

**(2)** The Commissioner shall direct a public body to fulfill an applicant's request to waive all or part of a fee under subsection (1) provided that the Commissioner is satisfied that the request is not frivolous, vexatious or without merit.

### 3 Section 93 presently reads:

*93(1) The head of a public body may require an applicant to pay to the public body fees for services as provided for in the regulations.*

*(2) Subsection (1) does not apply to a request for the applicant's own personal information, except for the cost of producing the copy.*

*(3) If an applicant is required to pay fees for services under subsection (1), the public body must give the applicant an estimate of the total fee before providing the services.*

*(3.1) An applicant may, in writing, request that the head of a public body excuse the applicant from paying all or part of a fee for services under subsection (1).*

*(4) The head of a public body may excuse the applicant from paying all or part of a fee if, in the opinion of the head,*

- (a) the applicant cannot afford the payment or for any other reason it is fair to excuse payment, or*
- (b) the record relates to a matter of public interest, including the environment or public health or safety.*

*(4.1) If an applicant has, under subsection (3.1), requested the head of a public body to excuse the applicant from paying all or part of a fee, the head must give written notice of the head's decision to grant or refuse the request to the applicant within 30 days after receiving the request.*

*(5) If the head of a public body refuses an applicant's request under subsection (3.1), the notice referred to in subsection (4.1) must state that the applicant may ask for a review under Part 5.*

*(6) The fees referred to in subsection (1) must not exceed the actual costs of the services.*





## Record of Debate

[illegible]