



Minister of Community & Government Services
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Minista Nunalingni Kavamatkunnilu Pivikhaqautikkut
Ministre des Services communautaires et gouvernementaux

SEP 02 2014

Elaine Keenan Bengts
Nunavut Information and Privacy Commissioner
5018 -47th Street
PO Box 262
Yellowknife, NT
X1A 2N2

RE: Request for Review – Fee Assessment

Your file: 14-152-5
Our file: 1029-20-CGS0576

Dear Commissioner,

I am writing to you with respect to the request for review of the fee assessment for the *Access to Information and Protection of Privacy* (ATIPP) request submitted by [REDACTED]

I have reviewed your written report and recommendations and wish to notify you of the Department of Community and Government Services' response:

Commissioner's Recommendation #1:

"In all of the circumstances of this case, I recommend that the head of the public body waive the remainder of the fees assessed on this file and that the response be released to the Applicant immediately."

CGS' Response:

CGS' ATIPP Coordinator requested that staff log the time spent searching, retrieving and transferring records. The Coordinator also logged the time they spent conducting these functions. This was used to calculate the fee estimate provided to the Applicant.

Time spent reviewing and redacting the records were not calculated in these fees, as it is our interpretation is that the Regulations do not permit charging fees for this type of work.

The ATIPP Coordinator consulted with the ATIPP Manager at the Department of Executive and Intergovernmental Affairs (EIA) and Legal Counsel on two occasions to request their advice on the correct application of fees in this case.

Time spent processing a record is also reported to the ATIPP Manager at EIA for tracking purposes.

CGS believes that the fee estimates were calculated in a fair, reasonable manner that accurately reflected the time spent on this request.

However, CGS will waive the remainder of the fees as the Commissioner recommends and will waive the shipping fees for the Applicant so that they can be retrieved without further cost to them. The waiver of fees and shipping costs is in reparation of the delays experienced by the Applicant in receiving a prompt response to his ATIPP request.

Commissioner's Recommendation #2:

"I further recommend that the Department of Executive and Intergovernmental Affairs review the regulations to clarify the confusion created by the wording of the fees provisions"

CGS' Response:

We have advised EIA of the Commissioner's recommendations. CGS will not offer comment whether a change is appropriate as is under the purview of the ATIPP Manager at EIA to recommend any amendments to the ATIPP Act and its Regulations.

CGS would like to note, however, that all efforts to apply the fee estimate provisions in a fair, accurate and reasonable manner were made on this file.

Commissioner's Recommendation #3:

"Finally, I recommend that the Department of Executive and Intergovernmental Affairs consider amendments to the Access to Information and Protection of Privacy Act to clarify that a public body can extend the time for response only one time and further,

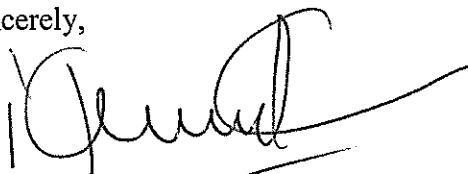
that the extension e for no more than 30 days, allowing for further extensions only by authorization of the Privacy Commissioner."

CGS' Response:

We have advised EIA of the Commissioner's recommendations. CGS will not offer comment whether a change is appropriate as is under the purview of the ATIPP Manager at EIA to recommend any amendments to the ATIPP Act and its Regulations.

In closing, I would like to thank the Commissioner, for your time and attention to this request for review, and hope that you are satisfied with our response to your review and report. Please feel free to contact our ATIPP staff at any time to discuss matters pertaining to access to information and privacy.

Sincerely,



Minister Tom Sammutok,