



F15-16-MS

Applicant objects to fee for access to water test data

An applicant requested access to the results of some water testing that had been conducted by a public body relating to a community's water supply.

When the public body assessed a fee of approximately \$200 to provide the records, the applicant asked for a fee waiver given that the issue was a matter of public interest. The public body rejected the request and the applicant complained to us that the criteria to be considered under s. 75 of the *Freedom of Information and Protection of Privacy Act* (FIPPA) made it clear a waiver was in order.

Section 75(5)(b) authorizes a public body to excuse an applicant from paying a fee if a record "relates to a matter of public interest, including the environment or public health or safety." If it is determined the records relate to a matter of public interest, the public body must then ascertain if the applicant will use or disseminate the information in a manner that will benefit the public and whether the applicant is able to disseminate the information to the public.

It was clear to us that the records contained information that related to an environmental concern or a public health issue and that the applicant was in a position to disseminate the records to the community. We suggested the public body reconsider its decision. It did so, waived the fee, and released the records.