



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for British Columbia

Protecting privacy. Promoting transparency.

Order F14-42

BC HOUSING

Justin Hodgkinson, Adjudicator

September 24, 2014

Quicklaw Cite: [2014] B.C.I.P.C.D. No. 45

CanLII Cite: 2014 BCIPC 45

Summary: The applicant, a journalist, sought purchasing card expense receipts of BC Housing employees. BC Housing provided the applicant with a fee estimate. The applicant asked BC Housing to waive the fee estimate since in his opinion the records he was requesting were in the public interest. BC Housing denied his request for a public interest fee waiver. The Adjudicator determined that a portion of the requested records relate to a matter of public interest and their dissemination through articles published by the applicant would yield a public benefit. A partial fee waiver is warranted in this case.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, ss. 75(1), 75(5)(b).

Authorities Considered: B.C.: Order 01-24, 2001 CanLII 21578 (BC IPC); Order 01-35, 2001 CanLII 21589 (BC IPC); Order 03-19, 2003 CanLII 49192 (BC IPC); Order 02-28, 2002 CanLII 42459 (BC IPC).

Cases Considered: *Clubb v. Saanich (District)*, 1996 CanLII 8417 (BCSC); *Common Cause v. IRS*, 1 GDSP 79188 (D.D.C. 1979).

INTRODUCTION

[1] In 2012, BC Housing conducted an internal review of its purchase card expenses for the years 2009 to 2011 (“Purchase Card Review”).¹

[2] On or about September 20, 2012, the applicant obtained a copy of the Purchase Card Review from BC Housing. Subsequently the applicant requested copies of the receipts used in the Purchase Card Review. BC Housing responded with a fee estimate of \$48.50, which the applicant paid. BC Housing disclosed 13 receipts from 2009-2010, which formed part of the Purchase Card Review, to the applicant.

[3] In October 2012, the applicant wrote a front-page Province newspaper article about the Purchase Card Review. This article detailed what the applicant said was widespread mismanagement of taxpayer-funded credit cards used by BC Housing employees for low-value items and services.

[4] Later in October, the applicant requested copies of all purchase card receipts (bar, restaurant, catering, inter-office gathering, entertainment, etc.) from January 1, 2001 to October 1, 2012, for five named BC Housing employees (the “Original Request”).

[5] On November 23, 2012, BC Housing responded to the Original Request with a fee estimate of \$10,113.75.

[6] The applicant subsequently narrowed his request to all purchase card receipts from January 1, 2007 to October 31, 2012 for five current and former named employees.

[7] In response to the narrowed request, BC Housing provided a new fee estimate of \$3,762.50 which the applicant asked BC Housing to waive. BC Housing denied his request. The applicant complained to this Office about BC Housing’s decision to deny his request for a fee waiver.

[8] During mediation, the applicant narrowed his request further to the purchase card receipts for two named BC Housing employees for the time period of January 1, 2007 to December 31, 2011 (the “Last Request”).

[9] BC Housing issued a revised fee estimate of \$2,010 for the Last Request.

[10] Because mediation did not resolve the matters in dispute, a written inquiry was held under Part 5 of FIPPA.

¹ Barby’s Affidavit, public body’s submissions at para. 5.

ISSUE

[11] The issue before me is whether the applicant's request for a fee waiver is warranted under s. 75(5)(b) of the *Freedom of Information and Protection of Privacy Act* ("FIPPA").

[12] FIPPA does not expressly impose an evidentiary burden on either party in relation to the issue of fee waivers. The Commissioner has held that, in such cases, as a practical matter, it is in the interests of each party to present argument and evidence as to whether the provision in issue applies.

DISCUSSION

Preliminary Issues

[13] **Which access request is the subject matter of this Inquiry—**The applicant has argued that this Inquiry should consider his Original Request rather than his Last Request that resulted in the \$2,010 fee estimate.

[14] I am unable to consider the applicant's Original Request because the applicant did not challenge either the Fact Report or the Notice of Inquiry, which clearly stated that the access request to be considered at this inquiry would be the Last Request which was agreed to during the mediation process. Consequently, I am making a determination only in relation to the records responsive to the Last Request in this Inquiry.

[15] **Mediation material to be considered—**I have considered the mediation material that the parties submitted to me. This Office does not normally do so, but in this case, neither party objected to the inclusion of mediation material in their reply submissions. I have also determined that it is necessary for me to consider them in order to properly adjudicate this matter because the Last Request was made during mediation and it is the subject matter of this Inquiry.

[16] **Must I consider the application of s. 75(5)(a) of FIPPA—**The applicant has requested that the Inquiry consider whether he is entitled to a fee waiver based on his inability to afford the current fee pursuant to s. 75(5)(a) of FIPPA.

[17] The applicant states in para. 14 of his initial submissions that:

... I'm no longer employed by any media outlet. I'm a freelance reporter and I produce my own online talk show. Needless to say, I have no money to pay thousands of dollars in FOI fees.

[18] He also later states in his initial submission that he is "...struggling financially". The issue of whether the applicant qualifies for a fee waiver based on being impecunious was one that was raised neither in the Investigator's Fact

Report nor the Notice of Inquiry. In addition, the applicant did not complain that either the Investigator's Fact Report or the Notice of Inquiry were incomplete or inaccurate.

[19] I note that BC Housing has not addressed any factors related to s. 75(5)(a) of FIPPA in any of its correspondence to the applicant prior to this Inquiry or in its initial inquiry submission. In its reply submission, BC Housing submitted that I should decline to consider this issue as it was not properly before me.

[20] This Office does not consider new issues once a Notice of Inquiry has been set out. The applicant had an opportunity to raise this issue prior to the initial submissions being made, but he failed to do so. As a result, I find that the issue of a fee waiver pursuant to s. 75(5)(a) of FIPPA was not properly before me.

[21] Even if this issue were before me, I would have rejected it because the applicant did not provide any other pieces of evidence such as financial records that demonstrate his inability to pay the fee estimate. Aside from the aforementioned quotes in his initial submission, I have not received any additional materials that would corroborate the applicant's evidence. As a result, I will only consider whether the applicant qualifies for a public interest fee waiver pursuant to s. 75(5)(b) of FIPPA, which both parties made extensive submissions on.

[22] **Application of s. 75(5) of FIPPA**—Section 75(5) of FIPPA reads as follows:

Fees

75(1) The head of a public body may require an applicant who makes a request under section 5 to pay to the public body fees for the following services:

- (a) locating, retrieving and producing the record;
- (b) preparing the record for disclosure;
- (c) shipping and handling the record;
- (d) providing a copy of the record.

(2) An applicant must not be required under subsection (1) to pay a fee for

- (a) the first 3 hours spent locating and retrieving a record, or
- (b) time spent severing information from a record.

...

- (5) If the head of a public body receives an applicant's written request to be excused from paying part or all of the fees for services, the head may excuse the applicant if, in the head's opinion,
- (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.

[23] **Is a fee waiver merited—Two Part Test for Public Interest Fee Waivers**—In Order 01-24,² former Commissioner Loukidelis set out the two-step analysis for determining if a public interest fee waiver is warranted.

[24] At paras. 32 and 33 he stated:

For convenience, I reproduce here the two-step process I set out at p. 5 of Order No. 332-1999:

1. The head of the Ministry must examine the requested records and decide whether they relate to a matter of public interest (a matter of public interest may be an environmental or public health or safety matter, but matters of public interest are not restricted to those kinds of matters). The following factors should be considered in making this decision:
 - (a) has the subject of the records been a matter of recent public debate?
 - (b) does the subject of the records related directly to the environment, public health or safety?
 - (c) could dissemination or use of the information in the records reasonably be expected to yield a public benefit by:
 - (i) disclosing an environmental concern or a public health or safety concern?
 - (ii) contributing to the development or public understanding of, or debate on, an important environmental or public health or issue? or
 - (iii) contributing to public understanding of, or debate on, an important policy, law, program or service?;
 - d) do the records disclose how the Ministry is allocating financial or other resources?
2. If the head of a Ministry, as a result of the analysis outlined in paragraph 1, decides the records relate to a matter of public

² Order 01-24, 2001 CanLII 21578 (BC IPC).

interest, the head must still decide whether the applicant should be excused from paying all or part of the estimated fee. In making this decision, the head should focus on who the applicant is and on the purpose for which the applicant made the request. The following factors should be considered in doing this:

- (a) is the applicant's primary purpose for making the request to use or disseminate the information in a way that can reasonably be expected to benefit the public or is the primary purpose to serve a private interest?
- (b) is the applicant able to disseminate the information to the public?

It should be emphasized that the references in para. 1, above, to the environment and public health or safety do not exhaust scope of what may be a matter of public interest. This is made clear by para. 1(c)(iii).

[25] Regarding the second part of the above analysis, former Commissioner Loukidelis said the following in Order 01-35:³

Although the list of factors will never be exhaustive, I consider that the following criteria may, in addition to those described or referred to above, be relevant to a head's exercise of discretion:

1. As expressly contemplated by s. 58(3)(c) of the Act, whether "a time limit is not met" by the public body in responding to the request;
2. The manner in which the public body attempted to respond to the request (including in light of the public body's duties s. 6 of the Act).
3. Did the applicant, viewed reasonably, cooperate or work constructively with the public body, where the public body so requested during the processing of the access request, including by narrowing or clarifying the access request where it was reasonable to do so?;
4. Has the applicant unreasonably rejected a proposal by the public body that would reduce the costs of responding to the access request? It will almost certainly be reasonable for an applicant to reject such a proposal if it would materially affect the completeness or quality of the public body's response;
5. Would waiver of the fee shift an unreasonable cost burden for responding from the applicant to the public body?

[26] **First Part of the Test**—The first step in assessing whether a request for a fee waiver should be granted is to determine if the records relate to a matter of public interest. As was stated, it is not sufficient that the applicant intends to use the records in a matter that relates to the public interest.⁴ If these records meet

³ Order 01-35, 2001 CanLII 21589 (BC IPC) at para. 46.

⁴ See paras. 56-62 in Order 01-24, 2001 CanLII 21578 (BC IPC).

the first part of the test, the next step is for the public body to exercise its discretion in deciding whether or not to waive the fee.

[27] There is no room under this aspect of s. 75(5), certainly, for a public body to weigh the degree of public interest in a matter. The test is not whether a matter is “sufficiently” of public interest or to what degree a matter is of the public interest. The question is whether the record can be said to ‘relate’ to a matter of public interest. If a record “relates to” a matter that a public body concludes is of “public interest”, s. 75(5)(b) has been satisfied⁵.

[28] I will now apply this test to the facts of this case.

[29] **Has the subject matter been a matter of recent public debate?**—In BC Housing’s May 10, 2013 response letter to the applicant, it confirmed that:

The Purchase Card internal review was the subject of many media reports in October 2012, which fuelled public debate concerning this issue. For the purposes of this response, BC Housing will accept that the records relate to a matter of relatively recent public debate.

[30] However, in its initial written submission, BC Housing refuted that the purchase card receipts have been a matter of recent public debate. Paragraph 22 of its submission states: “BC Housing submits that brief media exposure *per se* does not mean there has been a “public debate”.” BC Housing argues that there must be “...substantive debate in public and with the public” in order that a matter be of recent public debate. BC Housing does not explain this apparent contradiction between its response letter and its initial submissions.

[31] I disagree with BC Housing’s interpretation as stated in its initial submission. I concur with BC Housing’s original finding. The fact that the issue has been addressed in several media venues, and the fact that the BC Housing Chief Executive Officer and Minister responsible for BC Housing felt it was necessary to comment on the matter to counter the applicant’s article constitutes sufficient dialogue to qualify as “a matter of recent public debate”. There is no requirement that the subject matter must have been debated in the Legislature in order to qualify as “a matter of recent public debate.”

[32] **Does the subject of the records relate directly to the environment, public health or safety?**—All parties agree that the subject of the records does not relate directly to the environment, public health or safety. They also agree that this is not determinative of the issue and I agree.

⁵ Order 03-19, 2003 CanLII 49192 (BC IPC) p. 12 at para. 37.

[33] **Is the use of the purchase cards a “program”?**—BC Housing claims that it does not administer a purchase card “program”. It submits that the purchase card was introduced in to BC Housing’s financial system to streamline its internal processes for procurement of certain specified low-value goods and services. As such, BC Housing submits that it is inaccurate to characterize this as a “program” administered by BC Housing. Consequently, BC Housing does not believe that the disclosure of the requested records would contribute to the development or public understanding of, or debate on, an important policy, law, program or service, because the use of purchase cards does not constitute a program or service.

[34] In its May 10, 2013 response letter to the applicant, BC Housing stated that:

It may be more accurate to characterize the records you have requested as government documents indirectly relating to an internal policy of BC Housing. However, the fact that the Receipts relate to a policy administered by BC Housing does not suggest that their disclosure and/or use would contribute to the public’s understanding of BC Housing’s P-Card policies.

[35] I disagree with BC Housing’s characterization of the use of purchase cards as not being a ‘program’ from its initial submission. In this case, BC Housing employees used the purchase cards to accomplish the specified end of paying for low valued goods and services. The purchase card program also includes a series of policies and procedures that should have been followed but which were either not present or which were being ignored by BC Housing staff. I find that the purchase cards form part of a program.

[36] **Could the dissemination or use of the information in the records reasonably be expected to yield a public benefit by contributing to the public understanding of, or debate on an important policy, law, program or service?**—The analysis then shifts to the question of whether the dissemination of the information in the records would contribute to the public understanding or debate on an important policy, law, program or service.

[37] On this point, the applicant submits that even though the purchase cards cost taxpayers millions of dollars between 2007 and 2013, only 13 purchase card receipts have been released by BC Housing. According to the Purchase Card Review, this type of spending increased by fifty percent between the years 2009 and 2011.

[38] The applicant argues that the purchase card receipts are critical to understanding whether upper-management at BC Housing is abiding by its own policies, since BC Housing managers are the ones that sign and authorize

purchase card expenditures for their staff⁶. He states that members of BC Housing's upper management have refused to reveal their own personal purchase card history.

[39] In paras. 18 and 19 of the applicant's submissions, he states that:

After the audit story broke in October 2012, BC Housing assured the public that the p-card policies were sound. During an interview with the CBC, Dan Maxwell, BC Housing's chief financial officer, said that "generally, the purchasing cards were working well." Housing Minister Rich Coleman went further, telling the CBC that "less than six tenths of one per cent were actually personal charges that we would have had concerns about."

However, neither BC Housing nor Minister Coleman have produced any evidence to validate those claims. In fact, BC Housing has refused to reply to my many emails and phone calls about this matter, deeming me incommunicado.

[40] Then in para. 24 of the applicant's submissions, he adds that:

... Secondly, according to BC Housing spokespeople and Minister Coleman, p-card reform was instituted months before the audit's (grudging) release to the public. If that's true, the most recent p-card receipts included in my request should reflect those reforms because the audit, which according to BC Housing and Minister Coleman, was acted on immediately, focussed on mainly calendar year 2010.

[412] BC Housing argues that if something is of interest to the public it does not mean that it meets the public interest test in s. 75 of FIPPA. For example, BC Housing cites the case of *Clubb v. Saanich (Corporation of The District)*⁷ which found that the term "public interest" as it relates to the applicable access to information legislation does not encompass every issue that the public may be interested in obtaining further information on; public interest "cannot be so broad as to encompass anything that the public may be interested in learning".⁸ While the public is generally entitled to access information concerning the use of purchase cards by BC Housing staff, such access does not extend so far as to guarantee a right of access to every document necessary to satisfy public curiosity on this issue.

[42] **Increase public understanding**—BC Housing submits that the purchase card receipts of two employees would not increase the public's understanding of its purchase card policy generally. This is because BC Housing contends that the detailed Purchase Card Review of its policies and procedures in relation to

⁶ Paragraphs 5 and 6 of applicant's submissions.

⁷ *Clubb v. Saanich (Corporation of The District)*, 1996 CanLII 8417 (BC SC).

⁸ *Clubb v. Saanich* at para. 33.

the use of purchase cards have already been provided to the applicant. The Purchase Card Review was disseminated over the internet and is already fully accessible by the public. BC Housing claims that further disclosure of the purchase card receipts of individual employees would not further public understanding of this issue beyond the information already publicly available.

[43] BC Housing claims it has already taken action to ensure that there is no further inappropriate use of the purchase cards and that it has significantly strengthened its purchase card policy and procedures. It also claims that purchase card training is now mandatory for all purchase card holders and their supervisors.

[44] In my opinion, the disclosure of the 2011 purchase card receipts would contribute to the public's understanding of an important policy, law, program or service; especially when combined with the purchase card receipts for one year post Purchase Card Review. This is because the public could then inform themselves as to whether BC Housing implemented the recommendations made in the Purchase Card Review.

[45] I would add that the disclosure of the purchase card receipts from January 1, 2007 to December 31, 2010 would not likely disclose much additional information to the public; however it has the potential to corroborate the publically known Purchase Card Review findings.

[46] BC Housing's argument that disclosure of the responsive records would be duplicative of information that BC Housing previously disclosed to the applicant is incorrect in relation to most of the 2011 purchase card receipts, because the Purchase Card Review only relied on a small sample of the receipts as opposed to all receipts from two named employees, who were frequent purchase card users. In relation to the purchase card receipts one year post Purchase Card Review, neither have those records been disclosed nor in my opinion would they be duplicative.

[47] **Utility of requested records**—BC Housing submits that a relevant consideration in determining whether records relate to a matter of public interest is whether those records contain information of “present or prospective utility”.⁹

[48] Since the applicant has already received thirteen of the purchase card receipts upon which the Purchase Card Review was based, I question how much additional utility being given copies of additional purchase card receipts would provide. In this case, no one is questioning the validity of the Purchase Card Review's findings. If the applicant were granted a fee waiver for all the requested purchase card receipts, he would merely obtain the factual basis upon which the Purchase Card Review findings and recommendations were based. In my view,

⁹ Order 02-28, 2002 CanLII 42459 (BC IPC).

the public would not be substantially more aware of the relevant issues if the majority of these purchase card receipts were made publicly available.

[49] However, if the purchase card receipts from 2011 were compared to the receipts of a one year time period after the Purchase Card Review recommendations had been implemented, the public could assess whether BC Housing had properly adopted and was abiding by the recommendations made in the Purchase Card Review.

[50] To summarize, I find that if disseminated, the purchase card receipts from January 1, 2011 to October 31, 2011 could reasonably be expected to yield a public benefit by contributing to public understanding of an important policy and/or program.

[51] **Do the records disclose how the BC Housing is allocating financial or other resources?**—Regardless of whether the use of the purchase cards is a policy and/or a program, disclosure of purchase card receipts will show how BC Housing is allocating its financial resources, which is one of the considerations set out in Order 01-35.

[52] The applicant argues that given the results of the BC Housing's own Purchase Card Review, BC Housing should release information that would illuminate how it is allocating financial and other resources.

[53] The applicant questions how the public is able to assess whether these taxpayer's dollars are being spent appropriately unless BC Housing is open and transparent with the purchase card receipts. BC Housing's own Purchase Card Review found widespread mismanagement that potentially resulted in thousands of wasted dollars. It is the applicant's position that the "... citizens of British Columbia have a right to this information, and it should be released free of charge in the spirit of an open and transparent government."

[54] BC Housing's response is that the requested records would not assist in the public understanding how it allocated financial resources because the purchase card receipts would only disclose a very limited subset of how BC Housing is utilizing its financial resources. Consequently further disclosures of the responsive records will not materially increase the public understanding of this issue¹⁰.

[55] BC Housing's position is that although the use of purchase cards by BC Housing staff may arguably relate to a matter of public interest, the purchase card receipts pertaining to two employees covering the specific time period between January 1, 2007 to October 31, 2011 do not contain information of present or prospective utility. Expenditures during this timeframe do not account

¹⁰ Paragraph 34 of BC Housing's initial submissions.

for the measures already undertaken by BC Housing, and as such do not reflect the manner in which public resources are presently being allocated or how such resources will be allocated in the future.

[56] BC Housing submits that the public benefit is not enhanced by the disclosure of information that is only of “marginal value” in increasing the public’s knowledge on a given issue¹¹ (*Common Cause v. IRS*, 1 GDSP 79188 (D.D.C. 1979) as cited in *Ontario (Ministry of Natural Resources)*, 2001 CarswellOnt 4835, 42 C.E.L.R. (N.S.) 117 at para. 41).

[57] BC Housing states in para. 38 of its initial submission that:

...Disclosure of the Records in these circumstances would not shed any light at all on the current practices of BC Housing in regard to use of P-Cards by its employees. Further the nature of information contained in the Records is largely duplicative of the P-Card receipts already disclosed to Mr. Hasiuk pursuant to the prior request that was the subject of his Vancouver Province article(s).

[58] I accept this argument so far as the purchase card receipts from January 1, 2007 to December 31, 2010. However, as I stated previously, purchase card receipts from January 1, 2011 onwards would be in the public interest as they will provide a comparison point for purchase card receipts that were submitted after the Purchase Card Review recommendations had been implemented and were being presumably followed by BC Housing staff.

[59] Part of the reason why post 2011 records would be in the public interest is that it remains unclear whether BC Housing implemented each of the Purchase Card Review recommendations.

[60] For example, the applicant’s article entitled “Housing Scandal Needs Explanation” dated November 2, 2012 attached as Exhibit “A” to the Affidavit of Kristina Jennings, legal assistant, for the external law firm retained by BC Housing to argue this Inquiry states that:

According to the audit report, B.C. Housing rejected two key auditor recommendations: that Purchase Card holders “provide detailed merchant sales slips” to their supervisors, and that management set spending limits for “staff gatherings.”

In a recent email to The Province, B.C. Housing said it rejected these recommendations because there are “stronger means to address the identified problems.”

¹¹ *Common Cause v. IRS*, 1 GDSP 79188 (D.D.C. 1979) as cited in *Ontario (Ministry of Natural Resources)*, 2001 CarswellOnt 4835, 42 C.E.L.R. 117 at para. 41.

[61] However, on October 26, 2012 under the Province blogs, Shayne Ramsay, CEO B.C. Housing stated that "... all recommendations from the audit have been implemented." This also contrasts with BC Housing's submission which states that:

... As a result of the Purchase Card Review, BC Housing followed many of its recommendations and in other places BC Housing created solutions in response to its concerns prior to October 31, 2012¹².

[62] In my opinion, the majority of the requested purchase card receipts that predate the Purchase Card Review would not increase the public's understanding of the issue because they would simply confirm the findings of the Purchase Card Review. Since the applicant narrowed his request to October 31, 2011, none of the receipts that were disclosed to the applicant show whether BC Housing had successfully implemented the Purchase Card Review recommendations.

[63] However, if the applicant's Original Request for five BC Housing employees for the time period of January 1, 2007 to October 31, 2012 were before me, I would have found that the purchase card receipts from January 1, 2011 to October 31, 2012 are in the public interest because they would show the state of the use of the purchase card system prior to the Purchase Card Review. Then the applicant could compare those 2011 purchase card receipts directly with those receipts submitted after the Purchase Card Review recommendations were made to see if BC Housing implemented them and to see if they were being followed by BC Housing staff. The public would be interested to see whether BC Housing had implemented some or all of the Purchase Card Review recommendations and whether BC Housing staff were following the new policies that Minister Coleman and BC Housing's CEO claimed had been implemented.

[64] In conclusion, I find that the purchase card receipts from January 1, 2011 to October 31, 2011 are in the public interest, and those prior to the aforementioned dates are not. When combined with purchase card receipts from November 1, 2011 to December 31, 2012, I am of the view that these records would show how BC Housing is now allocating its financial resources.

[65] I would add that in the event the applicant were to submit a new access request for purchase card receipts for the date range November 1, 2011 to December 31, 2012, I would encourage BC Housing to grant a full public interest fee waiver.

[66] BC Housing's argument that a fee waiver in this particular case will lead to the applicant making similar requests, thus justifying BC Housing's denial of the waiver, is not persuasive. Since each fee waiver request is heard on its own

¹² Barby Affidavit para 5, Exhibit "B".

merits, I do not consider BC Housing's concern about the alleged burden of potential future fee waiver requests to be a proper consideration on the fee waiver issue before me. The purpose of imposing a fee is not to send a message of deterrence to an applicant.

Second Part of the Test

[67] **What is applicant's primary purpose?**—Since I have found that the purchase card receipts from January 1, 2011 to October 31, 2011 are in the public interest, the next step in the analysis is to determine whether the applicant should be excused from paying the fee for those records.

[68] Even though the applicant is no longer employed by a media outlet, BC Housing accepts that the applicant's primary purpose for making this request is to use or disseminate the information to the public in a way that can reasonably be expected to benefit the public. I find that the applicant meets this portion of the second part of the public interest test.

[69] **Would the waiver of the fee shift an unreasonable cost burden for responding from the applicant to the BC Housing?**—The final question is whether the waiver of the fee would shift an unreasonable cost burden from the applicant to BC Housing. BC Housing claims that complying with the applicant's Last Request would result in the imposition of an unreasonable financial burden on BC Housing.

[70] In this case, given the multiple million dollar budget for BC Housing and the fact that it was able to retain external legal counsel, it is difficult to see how an expense for the copying of purchase card receipts from approximately 10 banker boxes would pose an undue financial burden on BC Housing.

CONCLUSION

[71] For the reasons given above, under s. 58 of FIPPA, I excuse the fee for the purchase card receipts from January 1, 2011 to October 31, 2011 for the two named individuals.

September 24, 2014

ORIGINAL SIGNED BY

Justin Hodkinson, Adjudicator

OIPC File No.: F12-51629