

Fee Waiver

Fees otherwise chargeable in connection with a request for disclosure of a record shall be waived or reduced where it is determined that disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

In order to determine whether disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, the Department will consider the following four factors:

- (i) The subject of the request: the subject of the requested records concerns the operations or activities of the government;
- (ii) The informative value of the information to be disclosed: the disclosure of the records is “likely to contribute” to an understanding of government operations or activities;
- (iii) The contribution to an understanding of the subject by the general public likely to result from disclosure, taking in your ability and intent to disseminate the information to the public; and
- (iv) The significance of the contribution to public understanding: whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities.

In order to determine whether disclosure of the information is not primarily in the commercial interest of the requester, the Department will consider the following two factors:

- (i) The existence and magnitude of a commercial interest: whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so,
- (ii) The primary interest in disclosure: whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure.

The Department may refuse to consider waiver or reduction of fees for requesters (persons or organizations) from whom unpaid fees remain owed to the Department for another information access request.

Please note: where only some of the records to be released satisfy the requirements for a waiver or reduction of fees, a waiver or reduction shall be granted for only those records.