



**Corporate Services Department
Clerk's Division
Office of the Information and Privacy
Coordinator**

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Cambridge, Ontario
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July 30, 2010

Debbie Vitez
Cambridge Advocate

Dear Ms. Vitez,

We have estimated the costs associated with responding in full to your request under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) for access to “all email from Mayor Doug Craig, all email to Mayor Doug Craig, all email in which Mayor Doug Craig was copied and all email that Mayor Doug Craig copied other parties or persons from January 1, 2010 to July 29, 2010”.

The projected costs are significant and require some explanation as to how they were determined.

In order to retrieve the majority of the material you have requested city staff will have to retrieve information from the weekly backup tapes. These tapes are produced to enable city staff to rebuild the city's computer systems in the event of a catastrophic system failure and to repopulate those systems with all the information they held prior to any system failure. The tapes are designed to facilitate this particular process. Unfortunately they are not set up in such a way that would permit easy extraction of specific items of information nor does the city have the system capability to allow easy extraction. Extraction of specific information is not the intent of the backup tapes nor is it the purpose of the backup system in place in the city.

The process available to city staff to provide the information you are seeking is time consuming and can be divided into two stages each of which has significant costs associated with it.

First city staff will have to retrieve the data and rebuild the system in which it operated. Secondly all the e-mails responsive to your request will have to be individually reviewed to ensure that the city properly protects any personal or other third party information that MFIPPA requires us to protect from undue and unwarranted distribution.

Stage 1: Retrieval

First of all to retrieve all available e-mails from January 1, 2010 to July 29, 2010 city staff will have to retrieve data from 30 backup tapes – one for each week for that time period.

The first hurdle to providing the information you request comes in introducing the raw data on the 30 backup tapes into an environment where it can be reproduced in a form that can be readily understood. To do this it will be necessary to set up a secondary e-mail server. Mounting the data directly onto the servers that provide support for the city's daily operations is not an option since that would destroy information that city staff uses to meet their responsibilities. The city purchases servers and storage only as required for specific purposes supporting core operations. Consequently we do not presently have a server or the required storage on which to mount the backup tapes and would have to purchase additional equipment. We would certainly not apply the whole cost of this acquisition to this request but consider it reasonable to apply at least part of the cost.

In addition it is expected that it will take three (3) to four (4) hours to retrieve, mount and index each of the 30 backup tapes. It will take considerable time to restore the data for each of the 30 backup tapes. It should be noted here that the whole e-mail server must be restored since there is no way to extract the information related to a given individual at this stage. While the data is being restored city staff will have to monitor the process to ensure that it is operating as planned. We anticipate a total of 3 hours in total to monitor each of 30 tapes or a total of 90 hours. Once the data is restored city staff will have to extract and format the mayor's mail box. This process will also have to be monitored. We anticipate that set up and monitoring will occupy one (1) hour for each of the 30 backup tapes. The hourly costs that are applied to this work are set by:

R.R.O. 1990, REGULATION 823 of the Municipal Freedom of Information and Protection of Privacy Act as follows:

5. For developing a computer program or other method of producing a record from machine readable record, \$15 for each 15 minutes spent by any person.

We anticipate that it will take about 45 days to complete this portion of your request.

Summary of projected retrieval costs:

Equipment costs: \$1,000

Projected retrieval, indexing formatting and monitoring costs: 3 hours per tape x 30 tapes x \$60 per hour = \$5,400

Projected monitoring costs (restoration stage): 3 hours per tape x 30 tapes x \$60 per hour = \$5,400

Projected extracting and formatting mail box: 1 hour per tape x 30 tapes x \$60 per hours = \$1,800.

Total projected cost of Stage 1 costs: \$13,600

Stage 2: Document review

It is anticipated that many if not most of the e-mails that have been requested will contain some form of personal information, if only the name and personal e-mail address of other parties involved in the distribution of the e-mail. MFIPPA requires that the city protect from unauthorized use and distribution all personal information in its custody and control. Consequently it will be necessary for city staff to review each document prior to release to ensure that third party privacy rights are upheld.

The city's obligations to protect personal information under MFIPPA are outlined as follows:

14. (1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

- (a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access;
 - (b) in compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;
 - (c) personal information collected and maintained specifically for the purpose of creating a record available to the general public;
 - (d) under an Act of Ontario or Canada that expressly authorizes the disclosure;
 - (e) for a research purpose if,
 - (i) the disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained,
 - (ii) the research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form, and
 - (iii) the person who is to receive the record has agreed to comply with the conditions relating to security and confidentiality prescribed by the regulations;or
 - (f) if the disclosure does not constitute an unjustified invasion of personal privacy.
- R.S.O. 1990, c. M.56, s. 14 (1).

Please note that Section 14(1) is a mandatory provision.

Personal information is defined in part as:

“recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except if they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual; ("renseignements personnels")

As required by the legislation any information that is not eligible for release, including personal information, will be severed from whatever documents that we release. Since the severance of the information cannot be made on electronic copies of the e-mails we will not be able to release anything in electronic form but must print any and all documents that may be released.

It should be noted that since the backup tapes copy everything that is present on the system each time a backup is made there will be considerable duplication of content. For example if a document was created in January 2010 and remained in the e-mail system until July 2010 that document will be found on each of the 30 backup tapes. There is no way, until after the documents are recreated, to determine which documents are duplicated or how many times they have been duplicated. Consequently we can't say at this point how much of the material that will be recreated will be duplicates but it is certain that much of what will be printed will be duplicates.

Preliminary investigation suggests that there may be as many as 20,000 to 30,000 e-mails in the system on each backup tape for the requested time period. Consequently we are looking at 600,000 to 900,000 documents in total.

Projected photocopying costs (minimum): 600,000 x \$0.20 each = \$120,000

Even if some way could be found to get around the need to print all the e-mails you have requested it is not possible to get around review stage. As mentioned earlier each document must be reviewed to meet the city's legal obligation to ensure that any personal information found in the e-mails is protected. There is no practical way to separate the duplicates from the originals so each page of the material produced will have to be reviewed. Anticipating an average of 1 minute per document to review and eliminate any personal information and again using the

minimum figures for the number of documents to be reviewed (600,000) the projected costs for reviewing the requested records are:

Projected review costs: 10,000 hours x \$30 per hour = \$300,000

It is apparent that the numbers involved make your request impossible to fulfill at anything resembling a reasonable cost to you and would place an undue strain on the staff and operations of the city. Consequently we are viewing this as a vexatious request as defined in paragraph 20.1 (1) of MFIPPA and are not prepared to proceed any further with your request as it stands.

You may appeal the projected costs and our interpretation of your request as a vexatious request by contacting:

Information and Privacy Commissioner/Ontario
2 Bloor Street East
Suite 1400
Toronto, Ontario
M4W 1A8

If you decide to appeal you are requested to do so within 30 days of the receipt of this letter. You are also requested to include a copy of this letter with your appeal. I must inform you that there is a provincially regulated fee of \$25.00 to enter an appeal with the commissioner's office.

I will not be in the office until August 24, 2010 and will reply to any questions you might have at that time. If you have any questions prior to that date please contact:

Ilidia Sa Melo
Deputy Clerk,
Clerk's Division
2nd floor Cambridge City Hall
50 Dickson St.
sameloi@cambridge.ca

Yours truly,

Jim Quantrell
Information and Privacy Officer
City of Cambridge