

October 24, 2018

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Dear [REDACTED]

Re: Record Access Request pursuant to the *Freedom of Information and Protection of Privacy Act* (the “Act”) Request 2018-GR-010

We write further to your request received August 2, 2018, which provided as follows:

For the period 2007-Jan-01 to 2018-Jul-31:

1. *All information about injuries and any associated incidents that transpired at David Braley Athletic Centre since its opening in 2007. In addition, all information on McMaster University’s response to the incidents, including steps taken to prevent future incidents.*
2. *Information on the number of times the David Braley Athletic Centre’s indoor track has been inspected since its opening in 2007. If, during any inspection it was concluded that the indoor track did not meet the requirements and recommendations in the International Association of Athletics Federation’s “Track and Field Facilities Manual” what measures were taken to resolve the deficiency.*

We shall address parts 1 and 2 of your request separately:

Part 1

(a) *Responsive Records*

The responsive records that have been identified by McMaster in response to Part 1 of your Request are as follows:

- (i) Incident reports for incidents occurring at the David Braley Athletic Centre (“DBAC”) for the past 7 years (the “Incident Reports”), noting that Incident Reports are not, as a matter of standard practice, retained by DBAC beyond 7 years.
- (ii) Copies of all incident report summaries for the stipulated time period (the “Summaries”), which have been retained beyond 7 years.

(b) Fee Estimate

Fees payable by a party requesting access to records are prescribed by the Act. Section 57(1) of the Act provides as follows:

Fees

57(1) *A head shall require the person who makes a request for access to a record to pay fees in the amounts prescribed by the regulations for,*

- (a) the costs of every hour of manual search required to locate a record;*
- (b) the costs of preparing the record for disclosure;*
- (c) computer and other costs incurred in locating, retrieving, processing and copying a record;*
- (d) shipping costs; and*
- (e) any other costs incurred in responding to a request for access to a record.*

Section 6 of the Regulation provides as follows:

(6) *The following are the fees that shall be charged for the purposes of subsection 57 (1) of the Act for access to a record:*

- 1. For photocopies and computer printouts, 20 cents per page.*
- 2. For records provided on CD-ROMs, \$10 for each CD-ROM.*
- 3. For manually searching a record, \$7.50 for each 15 minutes spent by any person.*
- 4. For preparing a record for disclosure, including severing a part of the record, \$7.50 for each 15 minutes spent by any person.*
- 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.*
- 6. The costs, including computer costs, that the institution incurs in locating, retrieving, processing and copying the record if those costs are specified in an invoice that the institution has received.*

Each Incident Report is at least 3 pages in length, and at least 2 pages of each such report would require redaction (as addressed further below). We estimate that there are approximately 1500 incident reports within our custody or control and responsive to the Request. As such, we expect that more than 4500 pages of responsive records will exist, of which at least 3000 will require

redaction. Based on the foregoing, the initial fee estimate in respect of this matter is calculated as follows:

Incident Reports

Photocopies: Approximately 4,500 pages @ \$0.20 per page = \$900.00

Search time: Approximately 24 hours @ \$30.00 per hour = \$720.00

Preparation of Records for Disclosure: 100 hours* @ \$30.00 per hour = \$3,000.00

At least 2 pages of each incident report are expected to contain personal information requiring redaction (with 2 minutes of preparation time required per page).

Total Fee Estimate for Incident Reports: \$4,620.00

Summaries

Photocopies: Approximately 160 pages @ \$0.20 per page = \$32.00

Search time: Approximately 3 hours @ \$30.00 per hour = \$90.00

Total Fee Estimate for Summaries: \$122.00

Furthermore, Section 7(1) of the General Regulation provides that if a head issues an estimate of an amount payable under the Act and the estimate is \$100 or more, the head may require the requester to pay a deposit equal to 50 per cent of the estimate before the head takes any further steps to respond to the request. Accordingly, should you wish to proceed with the Request, we would request that you deliver a cheque payable to McMaster University to the undersigned attention in the amount of \$2,371.00. Upon receipt of said amount, we shall proceed with the collection and preparation of records for disclosure.

Once the records are prepared for disclosure, we confirm that necessary third-party notices, if any, shall be delivered, followed by our final decision. Subject to payment of the balance of a final fee calculation and any rights of appeal, the records shall be released to you with appropriate redactions.

(c) Interim Decision

Subject to collection and review of responsive records, McMaster hereby further provides you with an interim access decision in respect of Part 1 of your request:

- (i) With respect to the Summaries, same will be released in full.
- (ii) With respect to the Incident Reports, we would reasonably expect that at least 2 pages of each such report contain the personal information of various individuals, potentially also including personal health information. Accordingly, we would expect that the Incident Reports would require partial redaction of such personal

information pursuant to s. 21(1)(f) on the basis that release would constitute an unjustified invasion of privacy of such individuals.

Part 2

(a) Decision

With respect to Part 2 of your request, we confirm that there are no records responsive to this portion of your Request.

The undersigned is the party responsible for this decision. You may file an appeal with the Privacy Commissioner of Ontario for a review of this decision within 30 days of receipt of this letter. Any appeal must be accompanied by a \$25.00 fee and should include the following:

- the file number assigned to this request (2018-GR-010)
- a copy of this decision letter
- a copy of the original request for information.

Sincerely,



Christi Garneau
University Secretary and Designated Head of Institution