



## Charging under the Freedom of Information Act 2000 and the Data Protection Act 1998

### Data Protection Act 1998

Section 7 of the Data Protection Act allows an individual to apply to us for any personal data relating to them that we held. We are permitted to charge a fee of £10 for section 7 subject access requests (SAR).

### Freedom of Information Act 2000

Requests for information that fall under the Freedom of Information Act do not incur a fee; however, we can make a charge in two circumstances:

- There are postage and/or photocopy charges incurred by the local authority
- The time taken to locate, retrieve and collate the information requested would take more than the time limit set out as the "appropriate limit" (see below).

### Postage & Photocopying

We make information available through our Publication Scheme and Guide to Information. Most information in the scheme is available free of charge, but where a charge applies we indicate in the Guide what the charge is, or who you will need to contact, to find out about any charges.

Where information falls outside the Guide, and it will take less than the "appropriate limit" to complete, we will deal with the request free of charge. The only exception will be where there are postage and photocopying charges. We are entitled to charge the actual costs incurred for postage or copying. We will notify you of any fees due as soon as we have prepared the response and collated the information.

These disbursements will normally be charged where the estimated total photocopying cost exceeds £7. This breaks down as the cost of 140 A4 black & white photocopies, or 35 A4 colour photocopy, or an aggregate total photocopy cost of more than £7 where there are both black and white and colour copies.

## Preferred Format

Under Section 11(1) of the FOIA, we have a duty to take account of your request for the information requested to be provided in your *preferred format*. This may include:

- summarising the information and providing you with a copy (i.e. photocopying or printing)
- allowing you to inspect a record containing the information
- producing material in you preferred format (for example by putting it onto a CD-ROM or DVD) or
- translating information into a language other than English, or preparing information in another format (e.g. Braille, large type) at your request

We will charge the total reasonable costs incurred by us in providing the information in your preferred format.

We will not charge for any costs incurred by us in meeting our obligations under disability or other equality legislation.

## Postage and printing costs

Applicants will usually be expected to meet the printing and second class postage costs. The cost of an A4 photocopy or printed sheet will be charged at 10p for black & white and 20p colour per A4 sheet and postal costs will be based on current Royal Mail charges.

## “Appropriate limit”

Under section 12 of the Freedom of Information Act we are not obliged to comply with a request for information if we estimate that the cost of complying with the request would exceed the “appropriate limit” set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

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Under regulation 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the “appropriate limit” is set at £450 or 18 hours work for us. If the request will take 18 or more hours to complete we are entitled to charge.

When we calculate the time it will take to locate, retrieve and collate the information we apply the rate of £25 per hour set out in the regulations.

We **will** take into account the time we take to:

- Determine if we hold the information
- Locate the information or a document which may contain the information
- Retrieve the information or a document which may contain the
- information

- Edit or extract the releasable information contained within a document

We **will not** take into account the time spent or costs of:

- Checking that a request for information meets the requirements of FOIA
- Considering the application of exemptions; prejudice and/or public interest tests
- Obtaining internal or external legal advice
- Redaction
- Consulting with third parties and obtaining authorisation to send out Information

We are **not** obliged to comply with the request if it will take more than 18 hours to do so and we will normally turn down requests exceeding this limit. We may offer to complete the request for a fee and we will tell you what that fee will be in our Fees Notice response.

If we are proposing to comply with the request for a fee, we will provide a “Fees Notice” explaining why we consider section 12 of the FOIA applies and what the fee for carrying out the work would be. Once we have issued the “Fees Notice” you have three months to pay the charge. The request lapses after 3 months if the charge remains unpaid.

We will also assist you under section 16 of the Act by explaining how you can make the request smaller or more precise so that we can complete it within the time scales, if possible. We may try to assist you by providing some of the information requested if we can do so within the appropriate timescales. Where we receive more than one request from the same person or an associated person on the same or a similar matter we are entitled to aggregate the time it will take to respond to the requests for the purposes of estimating whether the ‘appropriate limit’ would be exceeded in relation to any one of the requests. We will only aggregate requests in the following circumstances:

- two or more requests for information must have been made to us
- they must be either from the same person, or from different persons who appear to the authority to be acting together or in pursuance of a campaign (section 12(4)(b) of FOIA);
- the requests must relate to the same or similar information; and they must have been received within a space of 60 consecutive working days.

This provision is designed to prevent individuals or organisations undermining the ‘appropriate limit’ by splitting a request into smaller parts. Before applying these provisions, we will carefully consider the reasons for believing that requests have been framed to frustrate the cost limit.

<b>Policy created and reviewed</b>	26th February 2014, April 2016, April 2017
<b>Policy created by</b>	Regulatory Solicitor and Complaints & Information Assurance Officer
<b>Review</b>	April 2018