



Freedom of Information Act 2000 Charging Policy

Version: 8

To be reviewed: September 2016

Owner: Performance and Community

Erewash Borough Council - Freedom of Information Charging Policy

This Policy is based on Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

Erewash Borough Council (EBC) can refuse to answer a request on the grounds of cost if the cost is more than £450, which equates to two and half days of work (or 18 hours at a rate of £25 per person per hour).

When calculating whether answering a request would exceed the appropriate limit, we will take account of the costs involved in the following activities:

- Determining whether we hold the information,
- Locating and retrieving the information, or a document which may contain the information, and
- Extracting the information from document(s) (including editing).

In all cases the costs must be 'reasonable'. In other words it would be 'unreasonable' for a public authority to charge an applicant due to a poor records management system.

In applying fees and charges the council cannot take account of the costs of considering whether information is exempt under the Act nor in the issue of Fees Notices.

If a request costs less than the appropriate limit, and there is no other basis on which it may be refused or otherwise dealt with, the council will answer the request. The maximum fee that can be charged in these cases is limited to the specified costs of postage, printing and photocopying, referred to as 'disbursement costs' i.e. the costs of:

- Informing the applicant whether we hold the information,
- Reproducing any document containing the information, and
- Communicating the information to the applicant.

An estimate of the level of these 'disbursement' costs is indicated below (plus postage at standard Royal Mail rates):-

FREEDOM OF INFORMATION	CHARGE FOR 2014/15 £	CHARGE FOR 2015/16 £	VAT RATE
FREEDOM OF INFORMATION ACT 2000 Prepared with reference to the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004	(Charges shown exclude VAT)		
Officer Time – Hourly rate	28.00	25.00	IF EBC ARE THE ONLY SOURCE OF THE INFORMATION THEN THE VAT TREATMENT IS NON-BUSINESS IF EBC SUPPLIES INFORMATION WHICH IT IS NOT OBLIGED TO UNDER THE ACT OR OTHER STATUTORY REQUIREMENTS TO PROVIDE THEN THE SUPPLY IS STANDARD RATED
Photocopying – price per sheet:			
A4	0.15	0.15	
A3	0.25	0.25	
A2	0.45	0.45	
A1	0.90	0.90	
A0	1.80	1.80	
CD-Rom	1.15	1.15	
Postage	As per actual cost	As per actual cost	
Accessible Formats	No additional cost to apply	No additional cost to apply	
Recommended waiver amount	Under 10.00	Under 10.00	

The council has determined to waive all costs under £10 in respect of a single request made under the Freedom of Information Act 2000 and Environmental Information Regulation 2004. This decision may be reviewed periodically within the terms set out in this policy.

If a request would cost more than the appropriate limit (£450), the council will normally refuse to answer the request. However, if the limit is only likely to be breached because of our poor records management and the information is of the type that should be available then we are liable to be criticised by the Information Commissioner on appeal.

We recognise that in such circumstances the Commissioner may overturn our decision. There is a formal Guidance Code on Records Management issued by the Lord Chancellor under S46 of the FOI Act. We are required to apply the code to our records management. The council acknowledges that poor records management cannot be accepted as an excuse for non-compliance with FOI.

Where this exception is proposed to be relied upon the council's Performance and Information Security Officer will seek approval from the Monitoring Officer to consider disclosing the information if it appears that:

1. the failure to be able to disclose is due to poor record management and
2. the information is of such a nature and public interest that it ought to be reasonably accessible and available.

The Monitoring Officer will then decide whether or not there should be such disclosure despite the right to refuse. Where any continued refusal is likely to be controversial or the matter is sensitive, the Monitoring Officer should consult with the Chief Executive or Director of Resources prior to any decision not to disclose.

If the council chooses to answer the request we will contact the applicant and advise what information would be available within the appropriate limit i.e. discuss with the applicant whether he/she would prefer to modify the request to reduce the cost.

If an applicant still wishes to proceed with the original request the maximum fee that may be charged is equivalent to the total costs of:

- Determining whether the council holds the information, locating and retrieving the information, and extracting the information from a document containing it (prescribed costs), and
- Informing the applicant whether the council holds the information and communicating the information to the person making the request (disbursement costs).

If the applicant does not agree with the proposed fee, they can appeal through the council's complaints procedure in the first instance.

Consecutive or Campaign Requests:

These are two or more requests for information are made to the council by one person or by different persons who appear to be acting in concert or in pursuance of a campaign.

The rule: the estimated cost of complying with these requests is to be taken to be the total cost of complying with them all. However, for this rule to apply the requests would need to relate to the same or similar information and be received within a period of 60 consecutive working days.

Publication Scheme

Nothing contained within this Policy supersedes or invalidates any charges or fees for the supply of information identified within the council's approved publication scheme.

Environmental Information Regulations

The above charges will also apply, where appropriate, to requests made under the Environmental Information Regulations, except that the "appropriate limit" shall not apply. The authority cannot charge an applicant to inspect information 'on site' or for providing access to any registers or lists of environmental information. The council will apply the principle that any charges made for requests under Environmental Information Regulations shall be no less favourable than if the request had been made under the Freedom of Information Act 2000.

Reviewing the Policy

This policy will be reviewed annually to take account of the de minimis level for waiving charges (if any), increases in postal charges, printing, or other costs. Any subsequent revisions to statutory Fees Regulations will be incorporated in to this policy as required for the council to comply with its statutory duties.