



## **Requests for Information**

### **Charging Policy**

**Ashfield District Council (May 2018)**

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## **1. The Policy**

1.1 This policy applies to requests for information made under the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR).

1.2 The policy does not apply to information if it is reasonably accessible by other means. So if:

- the Council is obliged to provide the information under some other legislation; or
- the information is included in the Council's Publication Scheme.

## **2. Requests under the Freedom of Information Act**

2.1 The Council is entitled to refuse to answer a request if the cost of complying would exceed the "appropriate limit". The limit has been set nationally for local authorities at £450. FOIA imposes two duties on the Council:

- (i) to confirm or deny whether it holds the information requested;
- (ii) to communicate the information if it has it.

2.2 If in unusual and extreme cases, it would cost more than £450 to confirm by itself whether the Council holds the information then the Council is entitled to and will not comply with this duty. In many cases, it will be immediately obvious that dealing with the request will not exceed the £450 limit and the request will be dealt with without any need for reference to charging.

2.3 If the cost of answering the request is more than £450 the Council will decline to comply with it in most cases. In exceptional circumstances, the Head of Service may agree to comply with the request.

2.4 If the Council receives two or more requests:

The Fees Regulations state that two or more requests to one public authority can be aggregated for the purposes of calculating costs if they are:

(i) by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;

(ii) for the same or similar information; and

(iii) the subsequent request is received by the public authority within 60 working days of the previous request.

The Council will calculate the cost of:

- informing the applicant whether it holds the information requested; and
- communicating the information to the applicant.

This will include the cost of:

- putting the information in the format requested so far as this is reasonably practicable;
- reproducing any document containing the information e.g. photocopy or printing; and
- postage and other forms of communicating the information.

The costs will be those actually incurred by the Council. So, if for example, the applicant asks for documents to be translated into a different language then the applicant would be asked to pay for the Council's costs in having that done. The cost of formatting any requests arising from a disability, such as an answer in Braille, would not be charged for.

- 2.7 If a request would cost more than the £450 limit to answer, then the Council will decline to answer it other than in exceptional circumstances.

The Council will however discuss with the applicant the possibility of refining the request and resubmitting it in part to bring it below the limit.

- 2.8 If after giving advice and assistance the cost of answering the request is still above the limit and the Head of Service dealing with the request decided that there are exceptional circumstances the Council will answer the request on payment of a fee calculated in accordance with the statutory maximum fee.

- 2.9 If the cost of disbursements eg photocopying, postage, exceeds £10, the Council may issue a fee notice to the applicant stating the fee. The request will not be dealt with until the fee has been paid.

### **3. Requests under the Environmental Information Regulations**

- 3.1 The EIR provides that the Council may make reasonable a charge for the supply of environmental information.
- 3.2 No charge will be made for access to any public registers or lists of environmental information held by the Council nor to examine information requested at the Council Offices
- 3.3 In all other circumstances, the Council will make a charge. The charge will be calculated on the estimated cost of making the information available. The estimate will be based on an hourly rate of £25.
- 3.4 Planning and Building Control Publications for which the Council do make a charge are listed in the Planning and Building Control Fee Charge Structure which is revised with effect from 1 April each year.

### **4. Requests under the General Data Protection Regulations**

- 4.1 Where the Council receives a personal information request and the Council deems the request not to be manifestly unfounded or excessive in nature there will be no charge for complying with the request.
- 4.2 The Council is entitled to refuse to answer a request that is manifestly unfounded or excessive, particularly if the request is repetitive. Where the Council decides that a request is manifestly unfounded or excessive the Council will usually decline to comply with the request.
- 4.3 If in extreme circumstances the Council choose to comply with a request that the Council considers to be manifestly unfounded or excessive Article 12(5)(a) allows the Council to charge a reasonable fee taking in to account the administrative costs of complying with the request. This fee will be calculated on a cost recovery basis.

### **5. General**

- 5.1 Where the Council proposes to charge a fee for answering a request, it will issue a fee notice to the applicant stating the fee. The request will not be dealt with until the fee has been paid.
- 5.2 If the fee is particularly high, the Council will invite the applicant to discuss ways of reducing the required information or providing it in an alternative format which might meet the applicant's needs equally well.

