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# Information Governance Framework

## Schedule 05C Information Charging Policy

<b>Background Information</b>	
<b>Document Purpose and Subject</b>	To provide a council-wide policy for Information Charging.
<b>Author</b>	Information Governance Team.
<b>Document Owner</b>	Information Governance Team.
<b>Change History</b>	V2.8 – The policy has been updated to make reference to the UK GDPR that applies in the UK from 01 January 2021.
<b>File Location</b>	Information Governance Shared File Storage
<b>Retention Period</b>	Permanent Preservation as a Core Policy.
<b>Issue Date</b>	07 April 2021 2021
<b>Last Review</b>	January 2020
<b>Current Review</b>	January 2021
<b>Next Review Date</b>	March 2022
<b>Approved By</b>	Cabinet Member
<b>Approval Date</b>	23 March 2021

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## 1. Introduction

North Lincolnshire Council is committed to being open and transparent and will whenever possible publish and release information free of charge. Information will be provided in electronic format whenever possible to keep costs to a minimum and to limit the occasions when charges could apply. On the occasions when a fee is required the amount charged will be in line with relevant legislation and will be published or advised on application.

The aim of this policy is to set out a consistent approach for the application of information related charges and it covers:

- How and when charges will be applied in relation to requests for information.
- When the council is not obliged to proceed with a request for information on the grounds of cost.
- How and when other information related charges may be applied.

This policy is part of a suite of Information Governance policies and procedures.

## 2. Scope

This policy applies to all council employees and all individuals or organisations acting on behalf of the councils. All employees responding to requests for information will, when deciding whether to charge and what to charge, comply with relevant legislation and any charging requirements set out in this policy.

Schools may choose to adopt this policy but where this is not the case it is expected they will have their own appropriate policy.

## 3. Request for Information Charging

There is no charge for submitting a request for information under the Freedom of Information Act (FOIA), Environmental Information Regulations (EIR) or the UK General Data Protection Regulation (GDPR).

Occasionally a charge may be made to communicate information where this is permitted by legislation, but we do not charge to communicate information where these costs are under £10. Where the cost is over £10 we reserve the right to charge, as set out in Appendix C. These costs are sometimes known as disbursement charges and include costs such as printing, postage and creation to CD or DVD, if this is the preferred format.

UK GDPR requests for personal information are known as a subject access request or SAR. There is no charge to make a request but on a case by case basis a charge may be made for requests considered to be manifestly unfounded or excessive or

for further copies of information supplied. Any fees will be based on the administrative cost of providing the information.

We do not charge for inspections of information at council offices, provided this information is routinely made available for inspection and there is generally no charge for access to a public register or lists of information.

Information that is published under the 'Open Data and Transparency' agenda on our website is available for you to use free of charge under the terms of the Open Government Licence. Information published through our Publication Scheme is generally available free of charge. However, charges are permitted provided that a schedule of charges is published in advance. Any fees charged will be justified, transparent and kept to a minimum and will not go against the aim of supporting public access to information. Examples of when charges might apply are when statutory regimes permit a charge and when commercial publications are requested.

Anyone requesting information in relation to the FOIA or EIR where there is a fee to pay will be advised of the cost within 20 working days. Where there is a fee to pay under the UK GDPR this will be advised to the requester within a calendar month.

Information requests are placed on hold from a timescale and collation of information point of view, from the date the fee is requested until it is paid. Fees must be paid within three months from the date the notification of a charge is sent to you. After three months the request will be closed if the fee is still outstanding.

See appendix B for details of how to make a payment.

#### **4. Charging for Re-use of Information**

Applications to re-use council information will be considered as set out in the Access to Information Policy.

Permission to re-use may be given as a licence and whilst the council will always try and give permission in the form of a free Open Government Licence sometimes a charge will apply. Any charges and instructions about how the payment can be made will be advised to the applicant at the point of request to re-use.

#### **5. Freedom of Information (FOIA) Fee Limit**

Section 12 of the FOIA allows the council to refuse to comply with FOIA requests (including requests for datasets) on the grounds of cost, if gathering the information and/or responding would exceed the fee limit set out in the Freedom of Information

and Data Protection (Appropriate Limit and Fees) Regulations 2004. The fee limit for local authorities is £450. See Appendix A for details of how the fee limit is calculated. These regulations do not apply to requests under EIR or under the GDPR and there is no equivalent process.

Where it is estimated that the £450 fee limit will be exceeded a record of the calculation will be kept. The requester will receive a refusal notice explaining the calculation and providing advice / assistance to, if possible, revise the request so that it comes within the fee limit.

After advice/assistance if the estimated cost of the request still exceeds the £450 fee limit we will carefully consider whether resources can be diverted to fulfil the request.

In this instance we may refuse the request or agree to provide the information but make a charge. This charge would be calculated using the same formula as that used to calculate whether the request is over the fee limit and again a record will be kept of this calculation. Section 13 of FOIA allows us to make this charge; appendix A sets out how to calculate the charge and appendix B how to make the payment.

Refusing to comply with the request could also include refusing to confirm or deny if we hold the requested information, if to carry out this task would go over the fee regulations limit of £450.

## 6. Property Searches and Requests for Information

Property Search information is generally requested from a council when an individual is buying a property to find about any restrictions relating to the land or property and any relevant external factors, such as rights of way over the land or property.

Requesters will usually send a CON29 form to the council to request the necessary information. We may be asked to complete the form, to provide access to the information so the requester can answer the questions on the form themselves or the council may be asked to guarantee the answers.

Most of the information for property searches is environmental information as defined by the EIR. When the council is asked to just complete the CON29 form or to provide access to the environmental information the charging regime in the EIR applies. When we are asked to complete the CON29 form and guarantee the content this is considered to involve more than just providing access to environmental information as required by EIR and therefore the charging regime in the Local Authorities (England)(Charges for Property Searches) Regulations 2008 (CPSR) will apply.

Information that is not environmental may be considered under the FOIA and in these cases the CSPR may form the basis for any charges.

## 7. Environmental Information Regulation Charges

Under EIR a reasonable charge may be made for supplying information. This can include the actual costs of staff time taken to locate information and put it in an appropriate format for release, and the costs of transferring the information to the requester. However, to prevent unnecessary charges we aim to proactively publish information in an easily accessible electronic format wherever possible.

Under EIR public organisations such as the council can charge for:

- The cost of employee time to locate, retrieve and extract the information either to send it to the requester or to prepare information for inspection where preparation will take a significant amount of time;
- The disbursement costs incurred in communicating the information to the requester, such as printing or copying costs.

We must also be able to demonstrate why a charge is reasonable and provide a breakdown of charges so the requester can understand the basis for the fee.

Sometimes where appropriate we will make a commercial charge where a market-based charge is considered to be reasonable, because the information is made available on a commercial basis and the charge is necessary to ensure such information continues to be collected and published.

We cannot charge for:

- The cost of maintaining a register of information or a database;
- Allowing requesters to inspect or access a public register;
- Employee time spent reviewing and redacting information.

Requesters should not be unfairly penalised if an organisation has failed to keep records that are reasonably accessible.

We must also publish a Schedule of Charges if we are to charge requesters for environmental information. Our Schedule of Charges is set out in Appendix C and in addition our hourly rate for calculating the value of employee time is £25. This is the same rate used for calculating whether an FOIA request is over fee limit and is therefore considered reasonable.

## 8. Refunds

We will always try to ensure that estimated fees are as accurate as possible. If a request is over the fee limit and an agreement is reached to charge for the supply of information and the actual cost of providing the information is found to be greater than the estimate sent to you, we will bear the extra cost. However, if the cost is found to be lower we will refund the difference.

Refunds of all or part of the fee paid will only be made as set out above or in other exceptional circumstances, at the discretion of a senior member of the Information Governance Team.

## 9. Fees and VAT

VAT will not be payable on information request fees if the information supplied is only available from the council or another public authority. VAT is payable if the information is also available from a non-public authority source.

## 10. Dissatisfaction with Charges

Individuals who are unhappy with how a request for information was handled or any charges applied can request an internal review using our Information Complaint Policy.

## Appendix A – FOAI Fee Limit Calculation

This fee limit is reached under FOIA if it is estimated that the time taken to carry out the following four activities would exceed 18 hours of employee time, based on a £25 per hour rate regardless of job grade.

The same calculation is used to determine the fee if a request remains over the fee limit but it is agreed that we proceed with the request on payment of a fee by the applicant: -

- Determining whether the information requested is held;
- Locating the information;
- Retrieving the information;
- Extracting the information to be disclosed (including the cost of materials used for editing redacting information, but not including staff time for this task).

The following costs cannot be included in this calculation: -

- Checking whether the request meets the requirements of the FOIA;
- Locating information due to poor records management practice;
- Considering the application of an exemption;
- Applying a public interest test;
- Obtaining internal or external legal advice;
- Considering whether a request is vexatious or repeated;
- Repeating an activity already undertaken;
- Employee time for editing or redacting information;
- Obtaining authorisation to provide information;
- Calculating any fees to be charged;
- Issuing a fees notice;
- Providing advice and assistance.

## Appendix B – FOAI Fee Limit Calculation

The preferred method of payment is online by debit card at [www.northlincs.gov.uk](http://www.northlincs.gov.uk) or by cheque. Cheque payments should be forwarded to the Information Governance Team at the following address unless otherwise advised in the fee request letter:

North Lincolnshire Council  
Information Governance Team  
Church Square House  
30-40 High Street  
Scunthorpe  
DN15 6NL

If you unable to pay by debit card or by cheque please telephone the council's Information Governance Team on 01724 296334 or visit one of the council's Information, Advice and Guidance Centres. For more information about Information, Support Advice and Guidance see the council website.

## Appendix C – Disbursement Charges

These costs are designed to recoup the expenditure incurred by the councils in responding to information requests and do not include any profit element.

<b>Photocopies:</b>	<b>Cost</b>
A4 Black & White	10p per sheet
A3 Black & White	20p per sheet
A4 Colour	£1.00 per sheet
A3 Colour	£1.50 per sheet
Other sheet sizes	Pro rata at the Council's standard rate.
Specialist documents i.e. plans or maps	Will be charged at the discretion of the Council, following discussion with the enquirer.
<b>Computer generated printouts:</b>	<b>Cost</b>
A4 Black & White	10p per printed page
A4 Colour	50p per printed page
A4 Photo quality paper prints	£1.00 per printed page
<b>Scanning of images:</b>	<b>Cost</b>
A4 Paper Records	£1.40 per image
A3 Paper Records	£2.10 per image
<b>Print outs from microfiche:</b>	<b>Cost</b>
All sizes	Will be charged at the discretion of the Council, following discussion with the enquirer.
<b>Electronic Media:</b>	<b>Cost</b>
CD Rom (700Mb)	£1.00
Floppy Disc	Not supported by the Council
<b>Telephone:</b>	<b>Cost</b>
Telephone calls	May be charged at the discretion of the Council, following discussion with the enquirer. Standard call rates will be applied.
<b>Fax:</b>	<b>Cost</b>
Fax cover sheet	10p
To UK & Ireland	£1.00 per page
To Europe	£1.75 per page
To rest of the World	£2.00 per page
<b>Email:</b>	<b>Cost</b>
Email attachment	No charge - If the data is already held in an electronic format.
<b>Binding:</b>	<b>Cost</b>
A4 Ring binders	£2 per binder
<b>Postage:</b>	<b>Cost</b>
Postage cost	Standard Royal Mail rates will apply.  Unless otherwise specified documents will be sent by second class post.
Packaging	£1 per parcel irrespective of size or weight