

SAFE WELL PROSPEROUS CONNECTED

# 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.
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## 1. Introduction

North Lincolnshire Council is committed to being open and transparent and will whenever possible, appropriate, and proportionate 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 and Elected Members, who are Data Controllers in their own right, may choose to adopt this policy but where this is not the case it is expected they will have their own appropriate policy.

## 3. Freedom of Information Charing and the (FOIA) Fee Limit

There is no charge to make a Freedom of Information Request, but occasionally a charge may be made to communicate the information to the requester where the cost is over £10. Charges that may be applied are as detailed in Appendix B. These 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.

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

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 UK 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, it will be carefully considered whether resources can be diverted to fulfil the request.

If resources cannot be diverted the request may be refused or the information provided on a chargeable basis. 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 section 10 how to make the payment.

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

#### **4. Environmental Information Regulation Charges**

There is no charge to make request under the Environmental Information Regulations (EIR), but a reasonable charge may be made for supplying information. To prevent unnecessary charges, we aim to proactively publish information in an easily accessible electronic format wherever possible.

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

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 we will make a commercial charge where a market-based charge is considered 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 publish a Schedule of Charges if we are to charge requesters for environmental information. Our Schedule of Charges is set out in Appendix B 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 as this is considered reasonable.

## **5. Property Search Requests for Information**

Property Search information is generally requested from the council when an individual is buying a property to find out any restrictions relating to the land or property and any 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 information. This is mostly environmental information as defined by the EIR and where 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. Where the council is asked 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.

## **6. UK General Data Protection Regulation Charges**

There is no charge to make a Subject Access Request (SAR) under the UK General Data Protection Regulation (GDPR).

On a case-by-case basis a charge may be made where SAR requests considered manifestly unfounded or excessive or for further copies of information already supplied. Where any fee is charged it will be based on the administrative cost of providing the information.

## 7. DPA 2018 Schedule 2 Requests Charges

A charge up to £75 may be made to supply CCTV images requested under the Data Protection Act 2018 Schedule 2 Part 1 (2) or Schedule 2 Part 1 (5), although there will be no charge to view images under supervision where this is appropriate and no charge for the council to review images on behalf of the requester as sometimes takes place to see if a formal request should be made.

## 8. Open Data

Information that is published under the 'Open Data and Transparency' agenda on the council website is available for use free of charge under the terms of the Open Government Licence. Information published through our Publication Scheme is available free of charge unless otherwise stated. Charges are permitted provided 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.

## 9. 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 where possible give permission in the form of a free Open Government Licence but at time 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.

## 10. Making a Payment

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 are unable to pay by debit card or by cheque please telephone the council's Information Governance Team on 01724 296224 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 [www.northlincs.gov.uk](http://www.northlincs.gov.uk).

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 or Data Protection Act 2018 this will be advised to the requester within one calendar month.

Information requests are placed on hold from a timescale and collation of information perspective, 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 issued. After three months the request will be closed if the fee remains outstanding.

## 11. Refunds

We will 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 is found to be greater than the estimate sent, we will bear the extra cost. 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.

## 12. 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.



### **13. 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 Complaints Policy.

## Appendix A – Access to Information Charges

### a) Freedom of Information Fee Limit Calculation

This fee limit is reached under FOIA where 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.

The same calculation is used to determine the fee if a request remains over the fee limit where 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 – Disbursement Charges

A reasonable charge as set out below may be made to cover the actual cost of communicating information to the requester, not including staff time. These costs are designed to recoup the expenditure incurred in responding to information requests and do not include any profit element. Charges can be applied for:

- Reproducing any document, e.g. printing or photocopying;
- Postage and other forms of transmitting the information;
- Providing information in a particular format where the applicant has expressed a preference where this is reasonably practicable.

<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 - plans or maps	Charged at the discretion of the council.
<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	Charged at the discretion of the council.
<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	Charged at the discretion of the council. 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