



Northumberland County Council

INFORMATION REQUEST CHARGING POLICY

DOCUMENT REFERENCE	VERSION	DATE OF THIS VERSION	DATE OF ORIGIN
NCC/IG06	1.0	10/05/2018	24/08/2015

	APPROVED BY	APPROVAL DATE
1	Data Protection Officer	24/05/2018

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Related Policies

POLICY NAME	POLICY REFERENCE NUMBER	VERSION
Data Protection and Confidentiality Policy	NCC.IG02	5.3
Freedom of Information Policy	NCC.IG04	2.3
Environmental Information Request Policy	NCC.IG05	1.0
Re-use of Information Policy	NCC.IG07	1.0

Amendment History

VERSION	DATE	DESCRIPTION
0.1	24/08/2015	Working Draft
0.2	22/11/2016	Changes made after consultation with the Information Governance Group, Digital Northumberland Board and Corporate Leadership Team
1.0	10/05/2018	Changes made due to the General Data Protection Regulation and to include disbursements and EIR charging policy.



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1. Scope

- 1.1 This policy extends to all employees of the Council who respond to requests for information, when deciding whether to charge and what to charge, to comply with relevant legislation and other information as set out in this policy.
- 1.2 We are however required to produce a Publication Scheme of information routinely made available. The majority of information in this scheme is available free of charge from the council's website but any fees and charges that apply will be published in the scheme and are not covered by this policy.
- 1.3 Other specific legislation or regulations may also make provisions for a charge for information and in these cases this policy does not apply.

2. Purpose

- 2.1 The purpose of this policy is to ensure a standardised approach in line with legislation is implemented throughout the council, with regard to charges for information requests.
- 2.2 This policy is part of a suite of Information Governance policies.

3. Introduction

- 3.1 The aim of this policy is to set out how and when charges could be applied in relation to requests for information and when we are not obliged to proceed with a request for information on the grounds of cost.
- 3.2 Where appropriate we are committed to being open and transparent by publishing information on our website or by providing information in response to requests. If possible information will be provided free, but on occasions a charge may need to be made. Any charges will be in line with the relevant legislation and all calculations will be explained.

4. Requests for Information, Public Lists/Registers and Communication Charges

- 4.1 We are committed to being open and transparent and where appropriate publish information on our website or provide information in response to requests. There is no charge for submitting a request for information to the council under the Freedom of Information Act (FOIA) or Environmental Information Regulations (EIR).



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- 4.2 Under the General Data Protection Regulation (GDPR) 2018 we do not usually charge for a request for personal information, known as a Subject Access Request (SAR). We would only look to charge a reasonable fee when the request has been manifestly unfounded or excessive, particularly if it is repetitive.
- 4.3 We generally do not charge to communicate requested information. However sometime we may charge a fee, these costs are known as disbursement charges and generally cover printing and postage costs.

Disbursements:

Photocopies	
A4 Black and White	20p per sheet
A3 Black and White	30p per sheet
A4 Colour	£1.00 per sheet
A3 Colour	£1.50 per sheet
Digital Prints	
Black and White	20p per page
Colour	£1.00p per page
Photo quality paper prints	£1.50 per page
Electronic Media	
Email Attach	No Charge

Postage costs will also apply and will vary per document as this is in relation to postage rates such as special delivery etc, as well as the size of the document and the information that it contained within it.

- 4.4 We will not charge for inspections of information at council offices, provided this information is routinely made available for inspection and we will also not generally charge for access to a public register or lists of information, unless we advise otherwise.



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5. Datasets and Charging for Re-use of the Information

- 5.1 If an application is made to re-use the council's information the request would be considered as set out in the council's Re-use of Information Policy.
- 5.2 If requests for re-use are received and information is protected by Copyright, as set out by the Copyright, Designs and Patents Act 1998 and the council owns the Copyright the council may grant permission for re-use.
- 5.3 Unless otherwise stated, re-use permission must be sought if the information is covered by Copyright and is to be published or used for commercial purposes. Permission is not required if the information is only to be re-used for research for non-commercial purposes, for private study or for news reporting.
- 5.4 Permission to re-use may be given as a licence and whilst we will always try and give permission in the form of a free Open Government Licence sometimes we will make a charge. Any charges and instructions about how the payment can be made will be advised to the applicant as the point of making the request to re-use.

6. Freedom of Information Act 2000 (FOIA) Fee Limit

- 6.1 We are permitted to refuse to comply with a request under the FOIA if to do so would exceed the fee limit set out in the Freedom of Information Act (Appropriate Limit and Fees) 2004. The fee limit for public authorities is £450. Section 12 of the FOIA allows us to refuse requests on these grounds.
- 6.2 These regulations do not apply to requests under the EIR.

6.4 FOIA Fee Limit Calculation

- 6.4.1 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.
- 6.4.2 The same calculation is used to determine the fee if a request remains over the fee limit but it is agreed that we can proceed with the request on payment of a fee by the applicant:-
- Determination whether the information held is requested;
 - Locating the information;
 - Retrieving the information;



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- Extracting the information to be disclosed (including the cost of materials used for editing/redacting information, but not including staff time for this task).

6.4.3 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 the 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 any fees to be charged;
- Issuing a fees notice;
- Providing advice and assistance.

6.5 Over the Fee Limit

6.5.1 Where it is estimated that the £450 fee limit would be exceeded we will keep a records to show how the calculation has been carried out. The requester will receive a refusal notice explaining the calculation and advice/assistance to, if possible, revise the request so that it remains within the fees limit.

6.5.2 After advice/assistance if the estimated cost of the request still exceeds the £450 fee limit we will carefully consider whether we can divert resources to fulfil the request. In this instance we may refuse to comply with the request or we may agree to provide the information but make a charge. This charge would be calculated using the same formula as that used to calculate of the request is over the fee limit and again a record of this will be kept of this calculation. Section 13 of the FOIA allows us to make this charge.

6.5.3 Refusing to comply with the request could also include us 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.



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6.6 Aggregated Costs

6.6.1 The Fee Regulations allow, in some cases, the adding together (aggregating) of FOIA requests, to determine if together the requests would exceed the £450 fee limit.

6.6.2 Requests can only be aggregated in the following circumstances:-

- Two or more requests for information have been made to the same public authority;
- The requests must be from the same person or from different people who appear to be acting together;
- The requests must be for the same or similar information;
- The requests must have been received within 60 consecutive working days.

6.7 Time Limit

6.7.1 We generally have 20 working days to respond to FOIA requests. We will advise promptly and in writing within this deadline of any fees due.

6.7.2 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.

6.7.3 Fees must be paid within three months from the date the notification of a charge is sent. After three months the request will be closed if the fee is still outstanding.

7. Environmental Information Regulation (EIR) Fees

7.1 Northumberland County Council (NCC) will process all requests, irrespective of the cost of processing the request, where the information is covered by the Environmental Information Regulation (EIR).

7.2 When dealing with requests for information under EIR, NCC is permitted to charge a reasonable amount. This must only cover the actual costs incurred by the Council in producing the information, for example the cost of paper, printing and posting.



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- 7.3 Unlike under FOI, NCC cannot charge for the amount of time taken to identify, locate and retrieve information, which may be done when the appropriate limit has been exceeded.
- 7.4 Regulation 8 (1) states that a public authority may charge for making environmental information available.
- 7.5 Regulation 8 (2) specified that no charge can be made for accessing public registers or lists of environmental information or for examining the information requested at the place where the authority makes information available for that purpose.
- 7.6. Regulation 8 (3) states that a charge may not exceed an amount that the public authority is satisfied is a 'reasonable amount'.

8. When is a EIR charge prohibited?

- 8.1 As specified above there are two situations where NCC cannot charge for Environmental Information:
 - Access to public registers or lists of environmental information
 - Inspection of the information 'in situ' - This is when the authority provides an area for the information to be viewed.
- 8.2 However, NCC would be able to charge should the requestor wish to have the information in a permanent form, such as it being photocopied, and the EIR charging regime would apply.

9. What is a reasonable?

- 9.1 There is no definition to distinguish what is meant by 'reasonable'. It is down to NCC to satisfy itself that the charge is reasonable. This can be done by ignoring any irrelevant factors and concentrating on the relevant ones, e.g.
 - The cost of paper and printing is a relevant factor and included in the charge.
 - The cost of staff time including overhead costs, incurred when preparing information to be supplied in response to a specific request can be included in the charge. This includes time spent identifying, locating and retrieving the information.



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- 9.2 It is unreasonable for a public authority to include any further costs associated with a request, for example:
- The costs associated with maintaining a register of environmental information.
 - The cost of maintaining a database used by the public authority to answer requests for environmental information.
- 9.3 Northumberland County Council are required to demonstrate why it believes a charge in each particular case is reasonable. NCC will follow the ICO 'Charging for environmental information (regulation 8) guidance, available on the ICO website.
- 9.4 Applicants will be notified of any charges by way of a Fees Notice in accordance with the same provisions as that of the Freedom of Information Act 2000 as detailed in this policy. This will be provided within 20 days of the request being received.
- 9.5 The applicant has 60 days in which to pay, following issue of the Fees Notice. If the payment is not received, NCC will not proceed with the request.

10. Refunds

- 10.1 The Council will always try to ensure that estimated fees are as accurate as possible.
- 10.2 If the estimated cost of answering a request for information were found to be greater than the estimate set the council would bear the extra cost. However, if the cost were found to be lower we would refund the difference.
- 10.3 Refunds or all or part of the fee paid will only be made in exceptional circumstances, at the discretion of a senior member of the Information Governance team.

11. Fees and VAT

- 11.1 VAT will not be payable on information request fees if the information supplied is only available from the council or other public authority.



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- 11.2 Vat is payable if the information is also available from a non-public authority source.

12. Dissatisfaction with Charges

- 12.1 If the requester is unhappy with how their request for information was handled or any charges made, they can request an internal review through the council's Information Complaints Policy.

13. Implementation

- 13.1 This policy is effective immediately.

14. Monitoring and review

- 14.1 This policy will be monitored by the Digital Northumberland Board and will be reviewed every two years or where there are changes to Legislation.

15. Useful contacts

- 15.1 The FOI Officers via Fol@northumberland.gov.uk.
- 15.2 The Information Commissioner's Office via www.ico.org.uk
- 15.3 The Data Protection Officer via informationgovernance@northumberland.gov.uk