



# Northumberland County Council

## INFORMATION REQUEST CHARGING POLICY

DOCUMENT REFERENCE	VERSION	DATE OF THIS VERSION	DATE OF ORIGIN
NCC/IG06	2.0	25/09/2019	24/08/2015

	APPROVED BY	APPROVAL DATE
1	Information Governance Board	

DATE REVIEWED	REVIEWED BY	APPROVAL DATE	NEXT REVIEW DATE
25/09/2019	Senior Information Governance Officer		September 2021



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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.
2.0	25/09/2019	Amendments to reflect ICO guidance and IG Board updates



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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 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 standardise and implement a charging policy for information requests in line with legislation.
- 2.2 This policy is part of the Information Governance Framework.

## 3. Introduction

- 3.1 The policy outlines when charges for information requests can be applied and when we are not obliged to proceed with information requests 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.
- 3.3 There is no charge for submitting a request for information to the council under the Data Protection Act (DPA). Requests made under the Freedom of Information Act (FOIA) and Environmental Information Regulations (EIR) may incur a charge.
- 3.4 We generally do not charge to communicate requested information. However sometimes we may charge a fee, these costs are known as disbursement charges and generally cover printing and postage costs.
- 3.5 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



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charge for access to a public register or lists of information, unless we advise otherwise.

## 4. Freedom of Information Act (FOIA) Fees

4.1 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 and Data Protection (Appropriate Limit and Fees) Regulations 2004. The fee limit for public authorities is £450.

### 4.2 Calculating Fee Limit

4.2.1 This fee limit is reached if it is estimated that the time taken to carry out the activities outlined in 4.2.2 would exceed 18 hours of employee time, based on a £25 per hour rate.

4.2.2 The following can be included in fee calculations:-

- Establishing whether information is held;
- Locating and retrieving information;
- Extracting relevant information from the document containing it.

4.2.3 The following cannot be included in fee calculations:-

- 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;
- Employee time for redacting information;
- Obtaining authorisation to provide information;
- Calculating and issuing any fees to be charged;
- Providing advice and assistance.

### 4.3 Over the Fee Limit

4.3.1 Where it is estimated that the £450 fee limit would be exceeded the requester will receive a refusal notice explaining the calculation and provide advice and assistance to, if possible, revise the request so that it remains within the fees limit or. Section 12 of the FOIA allows us to refuse requests on these grounds.



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## 4.4 Aggregated Costs

- 4.4.1 The Fee Regulations allow, in some cases, for FOIA requests to be added together (aggregated), to determine if the combined requests would exceed the £450 fee limit.
- 4.4.2 Where we receive two or more requests within 60 days of each other, from an individual or group of individuals who appear to us to be acting together or in pursuance of a campaign, we may be entitled to aggregate the cost of processing those requests to estimate if the £450 limit is exceeded.

## 4.5 When the cost does not exceed the Fee Limit

- 4.5.1. Where the cost does not exceed the fee limit an authority can charge disbursement fees to communicate the requested information to the requester. These costs will only cover the cost of providing the information. For example, printing and postage. Disbursement charges are detailed in Section 7. The requester will be notified of any charges via a Fees Notice.

## 5. Environmental Information Regulation (EIR) Fees

- 5.1 The Fees Regulations do not apply to requests made under the Environmental Information Regulations (EIR) 2004. Instead the EIR Regulation 8(1) permits a public authority to make a 'reasonable charge' for making environmental information available.

### 5.2 Calculating a reasonable charge

- 5.2.1 When dealing with requests for information under EIR, there are two broad types of areas for which we can charge;
- The cost of staff time including overhead costs incurred when preparing information to be supplied in response to a specific request. This includes time spent locating, retrieving and extracting the information and putting it into the required format. Officer time is calculated at a flat rate of £25 per hour.
  - The costs incurred when printing or copying the requested information and sending it to the applicant known as disbursement charges (see Section 7).



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5.2.2 It is unreasonable 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 to answer requests for environmental information.
- 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 as specified in Regulation 8(2).

5.3 EIR requests will be charged at £25 per hour. The cost will include the tasks noted in 5.2.1. The charge must not have a deterrent effect on the right to obtain environmental information and the charge must be reasonable.

5.4 A Fees Notice will be issued within 20 working days from receipt of the request, estimating the full cost of providing the information requested.

## 5.6 Manifestly unreasonable

5.6.1 Regulation 12(4)(b) allows a public authority to refuse a request as being manifestly unreasonable on the grounds that the cost of responding would be too great.

5.6.2 The limit applied to EIR requests being manifestly unreasonable is £450.

## 6. Data Protection Fees

6.1 The information is provided free of charge for Subject Access Requests (SARs) processed under the Data Protection Act, however the council may apply disbursement charges for further copies of the same information in line with Section 7 of this policy.

6.2 Requests for information under Schedule 2 exemption of the Data Protection Act are also free of charge, save any disbursement charges that may apply.



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## 7. Disbursement charges

- 7.1 Requested information will be sent to the requester via email, free of charge. If information is required in hard copy or other formats, the council can charge the requester for the costs of printing, photocopying, postage and supplying the information in a particular format. These disbursement charges are set out below:-

Photocopies	Charge per sheet
A4 Black and White	15p
A3 Black and White	20p
A2 Black and White	£1.50
A1 Black and White	£2.00
A0 Black and White	£3.00
A4 Colour	20p
A3 Colour	25p
A2 Colour	£3.50
A1 Colour	£4.00
A0 Colour	£7.00

- 7.2 Postage costs will also apply and will vary per document as this is in relation to postage rates such as special delivery, as well as the size of the envelope or parcel. These charges are based on current Royal Mail rates.

## 8. Time Limits

- 8.1 Applicants will be notified of any information request charges by way of a Fees Notice within the 20 working day period.
- 8.2 Information requests are placed on hold from the date the Fees Notice is issued to the requester. The clock will restart again the first working day after the fee is received. If the requester elects to pay by cheque, the clock will only restart once this has cleared. However, cheques should be banked promptly to ensure there is no undue delay in processing the request.





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8.3 Fees must be paid within three month from the date the Fees Notice is issued. After three months, the request will be closed if the fee is still outstanding.

## **9. Refunds**

9.1 The Council will always try to ensure that estimated fees are as accurate as possible.

9.2 If the estimated cost of answering a request for information were found to be greater than the estimate provided within the Fees Notice, the council would bear the extra cost. However, if the cost were found to be lower we would refund the difference.

## **10. VAT**

10.1 If the requested information is only available from a public authority, any charges would not attract VAT. However, if the requested information is available from another source that is not a public authority, the public authority may add VAT to its fee

## **11. Dissatisfaction with Charges**

11.1 If a requester is unhappy with the handling of the information request, including any dissatisfaction with any fees, they can request an Internal Review by contacting the Information Governance Team.

11.2 If the requester remains dissatisfied, they have the right to contact the Information Commissioner's Office.

## **12. Implementation**

12.1 This policy is effective immediately.

## **13. Monitoring and review**

13.1 This policy will be monitored by the Information Governance Board and will be reviewed every two years or where there are changes to legislation.

## **14. Useful contacts**

14.1 FOI via [Fol@northumberland.gov.uk](mailto:Fol@northumberland.gov.uk).

14.2 The Information Commissioner's Office via [www.ico.org.uk](http://www.ico.org.uk)



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14.3 Information Governance Team via [informationgovernance@northumberland.gov.uk](mailto:informationgovernance@northumberland.gov.uk)