

Freedom of Information Charging Schedule and Copyright Policy

1 Overview

1.1 The Freedom of Information Act (2000) and the Environmental Information Regulations 2004 (EIR) gives rights of public access to information held by public authorities.

1.2 NILGOSC tries to reasonably provide as much information as possible as per Section 7 of the Publication Scheme. However, on some occasions charges may apply according to the relevant sections of the Act:

- Section 1 - Right of access to information held by public authorities
- Section 9 - An authority may issue a fees notice within the 20-day compliance period. Fees are to be determined by the authority under regulations to be made by the Secretary of State.
- Section 12 - An authority is not obliged to comply with a request where the estimated cost exceeds the appropriate limit (maximum £450). Section 12 (4) permits an authority to aggregate costs of 2 or more requests, on the same subject, which have been received from one or more people where it believes the purpose of separate applications is not to exceed the limit.
- Section 13 - A public authority may charge for any communication of information which is (a) not required by section 1 because of excess costs and (b) is not otherwise required by law.
- Code of Practice (under Section 45) - Charging a fee for information is at the discretion of the authority.

1.3 The FOI fees provisions have two purposes:

- To allow a public authority to ascertain whether it has to comply with an FOI request.
- To enable it to ascertain how much it can charge for supplying the information.

2 Appropriate Limit

2.1 The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 set the appropriate limit for requests to local government bodies at £450, at a standard rate of £25 per hour (£600 for central government).

2.2 This means that NILGOSC will refuse a request for information if it estimates that the time taken to determine the information is held and to locate, retrieve and separate out the releasable information, will exceed 18 hours (£25 per hour for 18 hours being the £450 appropriate limit).

2.3 The time taken to find and supply the information or to redact any of the requested information that falls under the exemptions of the Act cannot be included in the estimated costs.

- Below the Appropriate Limit – you cannot charge for the applicant anything other than Disbursements incurred in supplying the information.
- Over the Appropriate Limit - you don't have to comply with the request but if you choose to do so, you can only charge the Regulation 4 Costs (see below) plus Disbursements.

2.4 Disbursements – These are costs incurred in:

- complying with the applicants request for the information in a particular format (eg summary, inspection etc)
- reproducing any document
- postage and other forms of transmission, eg fax

3 Working out the Appropriate Limit

3.1 Upon receiving a request, NILGOSC will estimate the staff time taken to do any or all of the following and cost the time at £25 per hour (Regulation 4 Costs):

- Determining whether you hold the information.
- Locating the information or a document which may contain the information.
- Retrieving the information, or a document, which may contain the information.
- Separating out information that is relevant to the request from information that is not in the scope.
- Extracting the information from a document containing it.

3.2 Where a reasonable estimate has been made that the appropriate limit would be exceeded, there is no requirement for NILGOSC to undertake work up to that limit.

4 Cumulative or Campaign Requests – Aggregation of Costs

4.1 These are two or more requests made by one person or different persons in acting concert or in pursuance of a campaign

4.2 When calculating whether the appropriate limit has/may be reached in complying with any one request, you aggregate the cost of complying with all of them. However this must be:

- two or more requests relating to same or similar information and
- received within any 60 consecutive working days of the previous request.

4.3 This prevents individuals or organisations evading the appropriate limit by dividing a request into similar parts.

5 NILGOSC Charging Categories

5.1 Free of Charge

Information available through the NILGOSC website is categorised as free of charge (ie there is no charge by NILGOSC, although the applicant would have to meet any charges by their internet service provider, telephone charges, personal printing costs etc). It also includes answering telephone queries, providing copies of free leaflets and inspection of reference materials at the NILGOSC office.

5.2 For those without internet access a single print-out of the specific website content can be requested.

5.3 Photocopying and Postage Costs

5.3.1 This covers information which has already been prepared which we can photocopy or print from a computerised record, or where the information is only available on our website we can provide a single printed copy of the information. Where the information is free of charge to view at the NILGOSC office but a standard photocopy or certified copy is requested a charge will be made. Charges will be as follows:

- Photocopy Charges (A4)

1 – 10 copies:	25p each
11 – 26 copies:	20p each
26 – 50 copies:	15p each
50+ copies:	12p each

- Certified Copy Charges: £2.50 per A4 page.
- Administrative/information retrieval time: £12.50 per hour.
- Postage and packing: at cost.

5.4 Unless otherwise stated a minimum charge of £5 will apply.

5.5 NILGOSC will have the discretion to waive charges if appropriate.

5.6 No charges will be made where a request for information is refused. There will be no charge to appeal against a refusal to supply requested information nor will there be a charge to appeal against any charges made for requested information.

5.7 Alternative Formats

5.7.1 Under Disability Discrimination Act 1995, NILGOSC will not apply charges when providing information in alternative formats, such as Braille, large print or spoken word.

5.7.2 NILGOSC reserves the right to communicate the information in the most cost-effective way whilst still meeting the needs of the person making the request.

5.8 Professional Charges

- 5.8.1 In exceptional circumstances, NILGOSC may have to employ external specialists or other professionals to gather and prepare information to meet a specific request. A written estimate will be given of the cost of providing such information. NILGOSC will then aim to provide the information within a target of 20 working days although this may be extended by up to 3 months. All costs will have to be paid in advance.
- 5.8.2 In all cases, VAT is not payable on requests for information under the Scheme and covered by the Freedom of Information Act 2000.
- 5.9 NILGOSC reserves the right to review and amend its charging policy at any time.

6 How do charges affect the time limit?

- 6.1 Applicants will be advised of any such charges at the time of the request. All charges will have to be paid in advance.
- 6.2 The time limit within which NILGOSC must answer a request will take this into account, so effectively the number of days taken to answer the request does not include the time from which a charge is made and the time when a charge is paid in full. When payment has been received NILGOSC will endeavour to provide the information within the 20-day timeframe.
- 6.3 If a charge is not paid within three months after notification of a charge is issued, NILGOSC will consider the request to be closed and will take no further action on it.

7 Copyright

- 7.1 NILGOSC owns the copyright to the information it produces. If information is to be reused or reproduced, commercially or otherwise, written approval must be obtained from NILGOSC.