



PUBLICATION SCHEME

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Northern Ireland Local Government Officers' Superannuation Committee
Freedom of Information Publication Scheme

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1 Introduction

- 1.1 The Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC) is a statutory body established on 1 April 1950 by the Local Government (Superannuation) Act 1950 to administer a pension scheme and maintain a fund providing pension benefits for employees of local authorities and other admitted bodies. The pension scheme is known as the Local Government Pension Scheme (Northern Ireland).
- 1.2 NILGOSC is a Non-Departmental Public Body (NDPB) sponsored by the Department of the Environment for Northern Ireland.

2 Freedom of Information Act 2000

- 2.1 The Freedom of Information Act 2000 (the Act) was passed on 30 November 2000 and came into force on 1st January 2005. The Act provides public access to recorded information held by public authorities, but also sets out exemptions to that right of access. The Act's definition of 'public authority' includes all public bodies and Government departments in the United Kingdom (UK).
- 2.2 The purpose of the Act is to make the work of public authorities in the UK more open and transparent to the general public, and to ensure greater accountability.
- 2.3 Individuals already have the right of access to information about themselves under the Data Protection Act 1998. The Freedom of Information Act 2000 extends this right to provide public access to recorded information held by public authorities.
- 2.4 Section 19 of the Act places a statutory duty on public authorities to maintain a Publication Scheme, which sets out the kinds of information such authorities should make readily available to the public, without the need for specific written requests.

3 The Publication Scheme

- 3.1 All public authorities are required to adopt the model scheme approved by the Information Commissioner's Office. NILGOSC has adopted the scheme set out for all NDPBs.
- 3.2 Through its Publication Scheme, NILGOSC will aim to:
- Proactively publish or otherwise make available as a matter of routine, any information held by the organisation which falls within the classifications listed in the 'Classes' section.

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- Specify the information held by the organisation which falls within the classifications listed in the 'Classes' section.
 - Proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this Scheme.
 - Produce and publish a 'Guide to Information', which states the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
 - Review and update on a regular basis the information that the organisation makes available under this Scheme.
 - Produce a schedule of any fees charged for access to information which is made proactively available.
 - Make this Publication Scheme available to the public.
- 3.3 The Publication Scheme sets out the information that NILGOSC will publish and how it will do so. The classes of information to be published are set out under defined headings which reflect the categories of information provided by NILGOSC. These classes are set out in Section 4.
- 3.4 Publication does not refer solely to printed material. Publication has been interpreted as broadly as possible to include electronic documents, information on the website, minutes of meetings, reports and leaflets.
- 3.5 NILGOSC will publish information in compliance with its Code of Openness adopted in 1999. The aims of the code are:
- to improve policy-making and the democratic process by extending publication of the facts and analyses which provide the basis for the consideration of proposed policy;
 - to protect the interests of individuals and employing authorities by ensuring that reasons are given for administrative decisions, except where there is statutory authority or established convention to the contrary;
 - to support and extend the principles of public service established under the Citizen's Charter.
- 3.6 The Deputy Secretary has overall responsibility for the Scheme. The Information & Compliance Manager has day-to-day responsibility for Freedom of Information requests and related issues.

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4 Classes of information – what is available?

- 4.1 The Publication Scheme relates to information created by NILGOSC or, in some cases, to information created by NILGOSC in partnership with other organisations.
- 4.2 The information available via the Publication Scheme is set out under the following classes of information:
- 1) Who we are and what we do.
 - 2) What we spend and how we spend it.
 - 3) What our priorities are and how we are doing.
 - 4) How we make decisions.
 - 5) Our policies and procedures.
 - 6) The services we offer – Pensions.
- 4.3 The specific types of information available under each of these classes are set out in the 'Guide to Information' attached at Appendix A.
- 4.4 The Publication Scheme and Guide to Information are available on the Freedom of Information section of the NILGOSC website at <http://www.nilgosc.org.uk/FOI.html>.

5 What information is exempt?

- 5.1 While the Freedom of Information Act provides a general right of access to recorded information held by public authorities, there are 23 exemptions to this right. Some of those exemptions are absolute, and some are subject to a public interest test. For more details on these exemptions, see Appendix B.
- 5.2 The classes of information available under this Publication Scheme will not generally include:
- Information whose disclosure is prevented by law, is exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
 - Information in draft format.
 - Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.
- 5.3 The following table shows the types of information NILGOSC will not make available under the Act, and the reasons for withholding it. Where information is classified as a 'Qualified Exemption', as defined in the Act, this will be subject to the Public Interest Test. When applying this test, NILGOSC will decide whether it serves the interests of the public better to withhold or to disclose the information. An individual may still have the right to view this information under the Data Protection Act (1998).

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Type of Information	Reason for Withholding
Internal discussion and advice	<p>Information whose disclosure would harm the frankness and candour of internal discussion, including:</p> <ul style="list-style-type: none"> • Committee Meeting proceedings (but not Committee Minutes); • internal opinion, advice, recommendation, consultation and deliberation; • projections/assumptions relating to internal analysis of policy options and information relating to rejected policy options; • confidential communications with public bodies, including regulatory bodies.
Investment Management	<ul style="list-style-type: none"> • Information relating to the Committee's individual investments which is market sensitive, or whose disclosure might be in contravention of insider dealing legislation.
Law Enforcement and Legal Proceedings	<ul style="list-style-type: none"> • Information whose disclosure could prejudice the administration of justice, including fair trial and the enforcement or proper administration of the law. • Information whose disclosure would be likely to prejudice the prevention, investigation or detection of crime, or the apprehension or prosecution of offenders. • Information covered by public interest immunity or legal professional privilege, or which could prejudice legal proceedings, public inquiries or other formal investigations or proceedings (whether actual or prospective) or whose disclosure is, has been, or is likely to be, addressed in the context of such proceedings. This includes information relating to completed or discontinued proceedings, or to investigations which have resulted, or might result, in proceedings.
Effective management and operations of the public service	<ul style="list-style-type: none"> • Information whose disclosure could lead to improper gain or advantage or could reasonably be expected to prejudice: <ul style="list-style-type: none"> ➢ the competitive position of a department or other public authority ➢ negotiations or the effective conduct of personnel management, or commercial or contractual activities; • Information whose disclosure would harm the proper and efficient conduct of the operations of the Committee.
Public employment, public appointments and honours	<ul style="list-style-type: none"> • Personnel records (relating to public appointments as well as employees of public authorities), including those relating to recruitment, promotion and security vetting. • Information, opinions and assessments given in confidence in relation to public employment and public appointments. • Information, opinions and assessments given in relation to recommendations for honours.
Privacy of an individual	<ul style="list-style-type: none"> • Unwarranted disclosure to a third party of personal information about any person (including a deceased person) or any other disclosure which would constitute or facilitate an unwarranted invasion of privacy, or be in breach of the Data Protection Act.

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6 How can information be accessed?

- 6.1 Information in the Publication Scheme is available, as far as possible, on the NILGOSC website. The Guide to Information, the Publication Scheme and links to the information described in each class are available in the Freedom of Information section of the website via <http://www.nilgosc.org.uk/FOI.html>.
- 6.2 If an individual does not have access to the internet, a single print-out of a specific page will be provided on request, but multiple copies may incur a charge for photocopying and postage. Details of charges for the provision of information are provided in section 7.
- 6.3 All documents covered by the Publication Scheme are available in hard copy format if required. Information will be provided in hard copy format in the language in which it is held, or such other language that is legally required. NILGOSC will be mindful of its obligations under disability and equality legislation, and will provide information in alternative formats (eg large print, audio and minority languages) when requested.
- 6.4 To obtain a hard copy of information, or to obtain an alternative version, please contact the Information & Compliance Manager using one of the following methods:

In writing to: NILGOSC
 Templeton House
 411 Holywood Road
 Belfast, BT4 2LP.

By Telephone: 0845 308 7345
By Typetalk: 18001 028 9076 8025 (for people using a text phone)
By Fax: 0845 308 7344
By e-mail: info@nilgosc.org.uk

- 6.5 In exceptional circumstances, information can be inspected by prior appointment at the NILGOSC premises at the address shown in 6.4 above. Appointments can be made by contacting the Information & Compliance Manager. Directions to the NILGOSC premises can be provided on request.

7 Charges for providing information

- 7.1 The purpose of this Scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public.
- 7.2 Information available on the website can be accessed and downloaded free of charge (ie there is no charge levied by NILGOSC, although the user will have to meet any charges imposed by their Internet service provider, personal printing costs etc).

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- 7.3 Single copies of paper and alternative versions of documents will be provided free of charge. However, a reasonable charge will be levied if multiple copies are required, to cover the costs of photocopying, postage and packaging.
- 7.4 There will be no fee for inspection of documents at the NILGOSC premises, but it should be noted that travel expenses will not be reimbursed for such inspections.
- 7.5 In accordance with the Act, NILGOSC has developed a Charging Schedule, attached at Appendix C, which sets out when and how charges will be applied.
- 7.6 If a charge is to be made, NILGOSC will inform the applicant of the payment due. Payment may be requested before the information is provided.
- 7.7 The charges mentioned in this section apply to information to be used for private study or research. Anyone who wishes to use the information for commercial gain, or who intends to reproduce copyrighted NILGOSC documents in other formats, should contact the Information & Compliance Manager for details of the relevant charges.
- 7.8 The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 do not apply to information that is routinely made available, unlike information that is disclosed in response to a specific request.

8 Written requests for information

- 8.1 If NILGOSC receives a written request for information which is available via the Publication Scheme, it will apply the exemption set out under section 21 of the Act, relating to information that is accessible to the applicant by other means. In such cases, NILGOSC will refer the applicant to the Guide for Information, or to the relevant section of the NILGOSC website where the information can be accessed.
- 8.2 Written requests for information which is not published under this Publication Scheme will be considered in accordance with the provisions of the Act.
- 8.3 Written (or e-mailed) requests must include the applicant's name, address and a description of the information requested. Applicants should provide as much detail as possible to help NILGOSC to identify the information sought. Requests should be sent to the Information & Compliance Manager at the address shown in paragraph 6.4 above.
- 8.4 Requests will normally be answered within 20 working days. If this is not possible, NILGOSC will write to advise the applicant that the response will take longer, and will explain the reasons for this.
- 8.5 In responding to written requests, NILGOSC will abide by the exemptions set out in the Act, as detailed in Section 5 above.

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9 How to comment on, or complain about, the Publication Scheme

- 9.1 If you have any comments on this Publication Scheme, please contact the Information & Compliance Manager using the details provided in paragraph 6.4 above.
- 9.2 If you are dissatisfied with how NILGOSC has handled a request for information in this Publication Scheme, you may wish to invoke an internal review. To do so, you should write to the Secretary at the address shown in paragraph 6.4 above.
- 9.3 If you are dissatisfied with the outcome of the internal review, you can make a further appeal by writing to the Management Committee at the address shown at 6.4 above.
- 9.4 If you remain dissatisfied with the response from NILGOSC, either because of a delay in providing, or a decision not to provide, the requested information, you can seek an independent review by the Information Commissioner.
- 9.5 Requests for a review by the Information Commissioner should be made in writing to:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 01625 545 745
Fax: 01625 524 510

10 Review of the Publication Scheme

- 10.1 NILGOSC produced its first Publication Scheme in October 2002. This was reviewed and updated in January 2005, January 2009, October 2011 and December 2012.
- 10.2 From June 2011, the Publication Scheme and accompanying Guide to Information will be reviewed on an annual basis, in line with best practice recommended by the Information Commissioner's Office.
- 10.3 **Last reviewed/updated:** December 2012
Date of next review: October 2013

1 Information available via the NILGOSC Publication Scheme

- 1.1 This Guide to Information gives examples of the types of information that NILGOSC provides in order to meet our commitments under the Publication Scheme. The guidance is laid out according to the seven classes of information set out in the Publication Scheme.
- 1.2 NILGOSC will make the information in this guide available unless:
- NILGOSC does not hold the information;
 - the information is exempt under one of the Freedom of Information exemptions or its release is prohibited under another statute;
 - the information is archived, out of date or otherwise inaccessible; or
 - it would be impractical or resource intensive to prepare the material for routine release.
- 1.3 This guidance is not meant to give a definitive list of the information. The information listed meets the requirements set out in the [Definition document for Non-Departmental Public Bodies](#), which is the recommended list published by the Information Commissioner's Office and is available on the ICO website at www.ico.gov.uk.

2 How to access the information

- 2.1 NILGOSC provides as much information as possible on a routine basis via the NILGOSC website, which is accessible at <http://www.nilgosc.org.uk>.
- 2.2 This guidance and the information listed within it are available on the Freedom of Information section of the website at <http://www.nilgosc.org.uk/FOI.html>.
- 2.3 If you do not have access to the Internet, or cannot find the information you are looking for on the website, all documents covered by the Publication Scheme are available in hard copy format if required. To obtain a hard copy or an alternative version of the information, please contact the Information & Compliance Manager using one of the following methods:

In writing to: NILGOSC
 Templeton House
 411 Holywood Road
 Belfast, BT4 2LP.

By Telephone: 0845 308 7345
 By Ttypetalk: 18001 028 9076 8025 (for people using a text phone)
 By Fax: 0845 308 7344
 By e-mail: info@nilgosc.org.uk

Class 1: Who we are and what we do

This section includes organisational information, structures, locations and contacts. It also includes biographies of NILGOSC Committee members and the Senior Management Team, information about the legal basis for our activities and information about how to contact us.

- About NILGOSC
- Location and contact details
- Administration of the Pension Scheme
- Management Statement
- Governance Policy Statement
- Committee responsibilities
- Committee structure
- Biographies of Committee members
- Committee meetings
- Advisers to the Committee
- Organisational structure
- Biographies of the Senior Management Team
- Legislative basis - Scheme legislation, guidance and policies
- List of employers contributing to the Scheme

Class 2: What we spend and how we spend it

This section includes financial information relating to projected and actual income and expenditure, procurement, fund management and our pay and grading structures.

- Annual budget
- Annual Report and Accounts
- Historic Annual Reports and Accounts
- Purchasing policy
- Public tenders
- Local Government pay and grading structures
- Expenses, travel and subsistence rates
- Fund management
 - Fund value and details
 - Annual market report
 - Funding strategy statement
 - Statement of Investment Principles
 - Actuarial valuation
 - Major holdings
 - All equity holdings

Class 3: What our priorities are and how we are doing

This section includes information about our strategies and plans, performance indicators, audits, inspections and reviews and our Corporate Plan and Annual Reports.

- Corporate Plan
- Annual Report and Accounts
- Historic Annual Reports and Accounts
- Performance standards
- Scheme statistics
- Satisfaction survey
- Investment performance

Class 4: How we make decisions

This section includes decision making processes and records of decisions.

- Management Committee and sub-Committee terms of reference.
- Code of Best Practice for Committee Members
- Minutes of Committee and sub-Committee meetings - copies of minutes are only available on request as confidential information must be removed before publication.
- Policy proposals and decisions
- Consultations
- Equality Impact Assessments
- Responsible Investment voting policies
- Decisions, reviews and complaints

Class 5: Our policies and procedures

This section includes current written protocols that we follow when delivering our services and responsibilities.

- Complaints procedure
- Purchasing Policy
- Equality Scheme
- Freedom of Information Policy
- Freedom of Information Publication Scheme
- Data Protection Policy
- Communications Policy
- National Fraud Initiative
- Governance Policy Statement
- Statement of Investment Principles
- Funding Strategy Statement
- Employment policies – these are included in the NILGOSC Staff Handbook. The Handbook is not available on the website, but a copy of the individual policies can be made available on request, where appropriate.
- Register of Committee Members’ and Officers’ Interests – this is not available on the website, but a request can be made for inspection of the register at the NILGOSC premises, where appropriate.
- Register of Gifts and Hospitality – this is not available on the website, but a copy can be made available on request, where appropriate.
- Information Risk Policy
- Information Charter
- Information Asset Register

Class 6: The services we offer – pensions

This section includes information about the services we currently provide, as well as leaflets, guidance and newsletters produced for Pension Administration.

- Scheme Guides
 - The Members’ Guide
 - The Employers’ Guide
 - The Councillors’ Guide
 - Short Guide to the Scheme
 - The Retirement Guide
 - Increasing your Retirement Benefits Guide
- Members’ News
- Pensioners’ News
- Deferred Members’ News
- ‘Pensions – The Basics’ Leaflet (Department of Work and Pensions)
- List of Employers
- Employer Circulars
- Decisions, Reviews and Complaints

The full list of exemptions can be found on the Information Commissioner's website at www.ico.gov.uk. The exemptions most likely to be applied by NILGOSC are set out below:

- **Section 21 – Information accessible to the applicant by other means**
NILGOSC will not provide information that is readily accessible to the applicant by other means. This includes information that is published via the Publication Scheme.
- **Section 22 – Information intended for future publication**
NILGOSC will not provide information that is held with the intention of future publication, subject to the public interest test.
- **Section 30 – Investigations and proceedings conducted by public authorities**
NILGOSC will not provide information that it holds for criminal investigations and proceedings, nor information obtained from confidential sources relating to these or to civil proceedings arising out of them, subject to the public interest test.
- **Section 32 – Court records**
NILGOSC will not provide information that is only held as part of the documentation for a court or tribunal case, or a statutory inquiry.
- **Section 40 – Personal Information**
This section acts as a gateway to the Data Protection Act 1998 (DPA). Requests for personal information by a data subject are exempt under FOI but will automatically be treated as a Subject Access Request under the DPA. Requests for personal information by anyone other than the applicant will be exempt if disclosure would breach any of the data protection principles, but the request will be considered within the overall framework of the FOI Act, subject to the public interest test.
- **Section 41 – Information provided in confidence**
NILGOSC will not release information that has been provided in confidence by another person (confider) as disclosure would constitute an actionable breach of confidence. The information must have been provided with an expectation that it would only be used or disclosed in accordance with the wishes of the confider.
- **Section 42 – Legal professional privilege**
NILGOSC will not provide information where a claim to legal professional privilege could be maintained in legal proceedings, subject to the public interest test.
- **Section 43 – Commercial interests**
NILGOSC will not provide any information that would prejudice, or would be likely to prejudice, the commercial interests of NILGOSC or anyone else, subject to the public interest test.

1 Overview

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

1.2 NILGOSC tries to provide as much information as reasonably 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 two 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** – An authority may charge for any communication of information which is (a) not required by section 1 because of excess costs and (b) 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 an 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 that the information is held, and to locate, retrieve and separate out the releasable information will exceed 18 hours (£25 per hour x 18 hours = £450).

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 – the applicant cannot be charged for anything other than disbursements incurred in supplying the information.
- Over the Appropriate Limit – the authority does not have to comply with the request but if it chooses to do so, it can only charge the Regulation 4 Costs (see below) plus disbursements.

2.4 Disbursements are costs incurred in:

- complying with a request for 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 On receipt of a request, NILGOSC will estimate the staff time required to do any or all of the following, and will cost the time at £25 per hour (Regulation 4 Costs):

- Determining whether NILGOSC holds 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 relevant to the request from information not in 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 by different persons acting in concert or in pursuance of a campaign.

4.2 When calculating whether the appropriate limit has been, or may be, reached in handling any one request, the cost of complying with all of them is aggregated. However, the following criteria must apply:

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

4.3 This prevents individuals or organisations from avoiding the appropriate limit by dividing a request into smaller parts.

5 NILGOSC Charging Categories

5.1 Free of Charge

Information available through the NILGOSC website is categorised as free of charge. This means that no charge is levied by NILGOSC, although the applicant will have to meet any charges made 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 Anyone without internet access can request a single print-out of the specific website content required.

5.3 Photocopying and Postage Costs

5.3.1 These costs apply to information which has already been prepared and which NILGOSC photocopies or prints from a computerised record, or where the information is only available on the website, and NILGOSC provides a single printed copy of the information. If the information can be viewed free of charge at the NILGOSC office, but a standard photocopy or certified copy is requested, a charge will be made. Charges are as follows:

- Photocopying 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 charge 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 to appeal against any charges made for requested information.

5.7 Alternative Formats

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

5.7.2 NILGOSC reserves the right to provide the information in the most cost-effective way, whilst still meeting the needs of the applicant.

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 20 working days, although this may be extended by up to three 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 charges at the time of the request. All charges will have to be paid in advance.

6.2 Once the charge has been paid in full, NILGOSC will endeavour to provide the information within the 20 working day timeframe.

6.3 If a charge is not paid within three months of notification that it is due, NILGOSC will consider the request to be closed and will take no further action in respect of 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.