

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) 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).

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2.3 The time taken to decide whether exemptions apply, to redact (edit out) exempt information, or to carry out the public interest test, 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, e.g. 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.
- 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 the 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

5.1.1 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.

5.1.2 Anyone without internet access can request a single print-out of the specific website content required.

5.2 Photocopying and Postage Costs

5.2.1 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 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, where appropriate, are as follows:

- Photocopying and Printing 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.

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

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

5.2.4 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.

5.3 Alternative Formats

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

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

5.4 Professional Charges

5.4.1 In exceptional circumstances, NILGOSC may have to employ external specialists or other professionals to 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.

5.4.2 In all cases, VAT is not payable on requests for information under the Scheme and covered by the Freedom of Information Act 2000.

5.5 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.