

EREWASH



Freedom of Information Act 2000 Charging Policy

Version 2.0 (Approved)
20 July 2005

Erewash Borough Council - Freedom of Information Charging Policy

This Policy is based on Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 and may be regarded as an important step in creating a simple system for the exchange of information between public bodies and the public under the Freedom of Information Act 2000, which took full effect on 1 January 2005.

Erewash Borough Council (EBC) will only refuse to answer a request on the grounds of cost if it would cost more than £450, which equates to about two and half days of work (or 18 hours at a rate of £25 per person per hour).

When calculating whether answering a request would exceed the appropriate limit, we will take account of the costs involved in the following activities:

- Determining whether we hold the information,
- Locating and retrieving the information, or a document which may contain the information, and
- Extracting the information from document/documents containing it (including editing).

In all cases the costs must be 'reasonable'. In other words it would be 'unreasonable' for a public authority to charge an applicant for the operation of a poor records management system.

In applying fees and charges EBC cannot take account of the costs of considering whether information is exempt under the Act nor in the issue of Fees Notices.

If a request would cost less than the appropriate limit, and there is no other basis on which it may be refused or otherwise dealt with, the Council will answer the request. The maximum fee that can be charged in these cases is limited to the specified costs of postage, printing and photocopying, referred to as 'disbursement costs' i.e. the costs of:

- Informing the applicant whether we hold the information,
- Reproducing any document containing the information, and
- Communicating the information to the applicant.

An estimate of the level of these 'disbursement' costs is indicated below (plus postage at standard Royal Mail rates):-

Photocopies:	
A4 Black and White	10p per printed side
A3 Black and White	20p per printed side
A4 Colour	£1.00 per printed side
A3 Colour	£1.50 per printed side
	(and other sheet sizes pro rata)

Fax:	
To UK and Ireland	£1.00 per page
To Europe	£1.75 per page
To Rest of the World	£2.00 per page
Print-Outs from a PC:	
Black and White	10p per page
Colour	50p per page
Photo Quality Paper Prints	£1.00 per page
Electronic Media:	
CD-R Disc	£1.00
Floppy Disc (1.44MB)	£1.00
Scanning of A4 Paper Records	£1.40 per image
Scanning of A3 Paper Records	£2.10 per image
Email Attachment	No Charge
Postage	At the prevailing Royal Mail rates.

EBC, at its discretion, has determined to waive all costs under £10 in respect of a single request made under the Freedom of Information Act 2000. This decision may be reviewed periodically within the terms set out in this policy.

If a request would cost more than the appropriate limit (£450), the Council will normally refuse to answer the request. However, if the limit is only likely to be breached because of our poor records management and the information is of the type that should be available then we are liable to be criticised by the Information Commissioner on appeal. We recognise that in such circumstances the Commissioner may overturn our decision. There is a formal Guidance Code on Records Management issued by the Lord Chancellor under S46 of the FOI Act. We are required to apply that Code to our records management. We acknowledge that poor records management cannot be accepted as an excuse for non-compliance with FOI.

Where this ground is proposed to be relied upon, the Council's Information Officer will ask the relevant Director to consider disclosing the information in any event if it appears that:

1. the failure to be able to disclose is due to poor record management and
2. the information is of such a nature and public interest that it ought to be reasonably accessible and available.

The relevant Director will then decide whether or not there should be such disclosure despite the right to refuse. Where any continued refusal is likely to be controversial or the matter is sensitive, the Director should consult with the Chief Executive or Director of Corporate Services prior to any decision not to disclose.

If EBC chooses to answer the request we will contact the applicant and advise what information would be available within the appropriate limit i.e. discuss with the applicant whether he/she would prefer to modify the request to reduce the cost to within the appropriate limit.

If an applicant still wishes to proceed with the original request the maximum fee that may be charged is equivalent to the total estimated costs of:

- Determining whether the Council holds the information, locating and retrieving the information, and extracting the information from a document containing it (prescribed costs), and
- Informing the applicant whether the Council holds the information and communicating the information to the person making the request (disbursement costs).

If the applicant does not agree with the proposed fee, they can appeal through the Council's complaints procedure in the first instance.

Consecutive or Campaign Requests:

1. These are: Two or more requests for information are made to the Council by one person or by different persons who appear to be acting in concert or in pursuance of a campaign.

2. The rule: The estimated cost of complying with these requests is to be taken to be the total cost of complying with them all. However, for this rule to apply the requests would need to relate to the same or similar information and be received within any period of 60 consecutive working days.

Publication Scheme

Nothing contained within this Policy supersedes or invalidates any charges or fees for the supply of information identified within EBC's approved Publication Scheme.

Environmental Information Regulations

The above charges will also apply, where appropriate, to requests made under the Environmental Information Regulations except that the "appropriate limit" shall not apply. The authority cannot charge an applicant to inspect information 'on site' or for providing access to any registers or lists of environmental information. EBC will apply the principle that any charges made for requests under Environmental Information Regulations shall be no less favourable than if the request had been made under the Freedom of Information Act 2000.

Reviewing the Policy

This policy will be reviewed annually to take account of the de minimis level for waiving charges (if any), increases in postal charges, printing, or other costs. Any subsequent revisions to statutory Fees Regulations will be incorporated in to this policy as required for EBC to comply with its statutory duties.

Version Control			
Date	Version	Status	Changes
15 April 2005	1.0	Draft policy	-
20 July 2005	2.0	Provisional Approved Policy	Version approved by Council Executive (pending consideration by Scrutiny)