



TRAFFORD COUNCIL

FREEDOM OF INFORMATION ACT 2000

POLICY ON FEES AND CHARGES

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TRAFFORD BOROUGH COUNCIL FEES AND CHARGES POLICY

FEES

Introduction

Under the Freedom of Information Act 2000 and Section 9A of the Data Protection Act 1998, the "appropriate" limit for fees is £450.

The Council will estimate on a case by case basis whether a request will cost less than £450 to answer or will exceed this limit.

When estimating the cost of complying with a request for information, the Council will take into account the staff time charged at a rate of £25 per hour. This will involve the following:-

- Determining that the information is held.
- 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

The Council will not take into account any cost other than those set out in the Fees Regulations.

In particular, it may **not** take into account the time taken for any of the following:-

- Checking that a request for information meets the requirement of the Act.
- Considering whether information requested should be withheld in reliance on an exemption under the Act.
- Considering whether it is a vexatious or repeated request.
- Obtaining authorisation to send out the information.
- Calculating any fee charged.
- Providing advice and assistance under the Act.

Where the cost of complying with written requests is below the appropriate limit of £450, there will be no fee, but there may be a charge (see below - charges/costs).

The Council is not obliged to respond to requests for information where it estimates that the cost of complying with the request exceeds £450. In cases where the limit will be exceeded, the Council will discuss with the requester whether they would prefer to redefine the request to reduce the costs.

Aggregated Requests

In some circumstances, the cost of answering more than one request can be added together (aggregated) for the purpose of estimating whether the appropriate limit of £450 would be exceeded. However, this will only apply to requests under the Freedom of Information Act, not to subject access requests to the Council on "unstructured personal data" to which the Data Protection Act 1998 applies.

Requests may be aggregated when two or more requests have been received by the Council and: -

- They must be either from the same person or from different persons who appear to the Council to be acting in concern or in pursuance of a campaign.
- They must relate to the same or similar information.
- They must have been received by the Council within a space of 60 consecutive working days.

Requests costing less than the appropriate limit - the Council's Charges/Costs

In cases where the appropriate limit has not been exceeded, the Council can only make a charge in relation to the cost of: -

- Informing the person whether it holds the information.
- Communicating the information to the person making the request.

This includes the cost of the following:-

- Putting the information into the requested preferred format so far as it is reasonably practical;
- Reproducing any documents containing the information, for example photocopying or printing; and
- Postage or other forms of communication of the information.

The Council will consider the applicant's preferred format when responding to a request which may include the following:-

- A summary of the information.
- Providing a copy (for example by photocopying or printing).
- Allowing the requester to inspect a record.
- Producing in the applicant's preferred format, for example CD Rom, video, audio.
- Translating into a different language - the Council is not obliged to translate documents if this would not be "reasonably practical".

CHARGES

Charges will be based on the following costs. However, the Council will usually waive the charge if it is less than £10.

Postage Costs

Applicants may either provide an envelope with the correct postage, or pay the current rate for second class postage – rates are available from the post room.

Printing / Photocopying Costs

This is based on 10p per sheet of A4 paper, 20p per sheet of A3 paper.

Charges for other formats and translation to other languages

Charges may be made to the requester for supplying other formats eg CD Rom, Video, floppy disk where the cost of this is equal to or costs above the printing and/or postage cost.

Time Limits

Under the Act the Council will, in most cases, respond to a request within 20 working days.

If the Council is making a charge for the information, a letter will be issued to the requester to inform them of the amount of charge. The 20 working day time limit will be extended to cover for the day on which the letter is given to the requester and ending with the day on which the fee is received by the Authority.

Payments by cheque should normally be calculated from the date the cheque is cleared.

Refunds

If the actual cost of answering the request is greater than the estimated cost, the Council will bear the additional cost.

If the cost of answering is less than estimated, the Council will consider refunding the excess amount to the requester.

Requests costing more than £450

The Council is not obliged to answer these requests, but will take into account its duty under Section 16 of the Act, which is to provide advice and assistance.

The Council will discuss with the requester the refining of a request, to bring it below the limit of £450.

If, after consideration of the above, the request is still over the appropriate limit, the Council will inform the requester accordingly.

The Council will then consider the following:-

- It may decide not to provide the information.
- It can answer and charge any permitted fee.
- It can answer without charging.

If the Council does decide to make the information available, any fee charged will again be calculated using the £25 per hour rate.

Fees and Information that is exempt under the Act

Section 21 of the Act provides that information is absolutely exempt if it is "reasonably accessible" to the Applicant.

Information will always be considered reasonably accessible if the following applies:-

- The Authority is obliged to communicate it to the Applicant under some Act; or
- The information is made available within the Council's Publication Scheme.

Charges already exist for certain identified Council documents within the Publication Scheme.

Where the Council already provides information for a fee, this will be exempt from the Freedom of Information Act and the existing costs and charging regimes will apply.

VAT

Fees that are charged for information provided on a statutory basis as a non-business activity are outside the scope of VAT. If a service does not have a statutory basis and is provided through choice, any fees attract VAT. Broadly speaking, this means the following:-

- If a request is below the appropriate limit of £450 and the Council is, therefore, obliged to respond, any fee charged will not attract VAT.
- If a request is above the appropriate limit of £450 and the Council chooses to provide information in return for a fee, this is classed as a business activity and will be liable for VAT at the normal rate.

Copyright Protection

Much of the information supplied under the Freedom of Information Act will be subject to copyright protection under the Copyright, Designs and Patents Act 1998. Information can be reused for the purposes of research for non-commercial purposes, for private study or for news reporting and review without requiring formal consent. However, if the requester wished to reuse the information for commercial purposes, including publishing he or she would require the permission of the copyright holder. Permission to reuse copyright information is granted in the form of a licence. Charges will be advised on request

Mixed Requests

This a request in which part of the information request is regulated by one access to information regime and other parts by other information regimes.

The regimes most likely to be encountered in addition to Freedom of Information are subject access request under the Data Protection Act 1998, and access to environmental information under the Environmental Information Regulations 2004.

Under Subject Access Request the Council will usually charge £10 (with the exception of Education Records and Manual Health Records where there is a maximum fee of £50).

An EIR request is similar to the FOI request, although there is no appropriate limit above which the Council can refuse a request and unless there is a charging regime already in place, the Council will adopt the same policy for Environmental Information Regulations 2004 as under the Freedom of Information Act 2000.