

Fees policy

This policy explains the fees we charge for complying with requests for information under the Freedom of Information Act 2000, Data Protection Act 1988 and Environmental Information Regulations 2004 and how we will calculate those fees.

1. Freedom of Information Act 2000 (FOI)

Where your request is for information included in our Publication Scheme any applicable charges will be as set out there. Charges for other information will be calculated as follows:

1.1 Estimating Costs

When we receive a request for information we will estimate the costs we reasonably expect to incur in dealing with your request. In making this calculation we will take into account the time our staff (or contractors) spend on the following activities at a rate of £25 per person per hour:

- Determining whether we hold the information requested,
- Locating the information or documents containing the information,
- Retrieving such information or documents,
- Extracting the information from the document containing it.

We will not take into account time we expect to incur on the following when calculating the estimated costs:

- Checking whether the request meets the requirements of the FOI Act,
- Considering whether an exemption under the FOI Act applies,
- Considering whether the request is a vexatious or repeated request,
- Obtaining authorisation to disclose information,
- Calculating the fee to be charged,
- Any advice or assistance we provide in relation to the request.

1.2 Where the estimated cost is less than £450

If the estimated cost is equal to or less than £450, then we will not charge you for any time our staff spend dealing with or responding to your request. We will only charge you for any 'disbursements' we incur in informing you whether we hold the information requested, and communicating that information to you. This will include the costs to us of:

- Putting the information in any preferred format you have requested (for example DVD, CD-Rom, video or audio cassette). We will charge you the actual cost to us of doing this;
- Reproducing any document containing the information (for example printing or photocopying). We will charge you for printing and photocopying at a rate of 10p per A4 sheet, 20p per A3 sheet and £1 per sheet for colour copies.
- Postage and other forms of transmitting the information. Postage and transmission will be charged at the actual cost to us.

We will waive any charges which are less than £10.

Our fees will normally be exclusive of VAT. We will only charge VAT if the information you ask for is also available from a source other than a public authority, for example, from a private limited company.

1.3 Where the estimated cost exceeds £450

We are not obliged to respond to requests where we estimate that the cost of complying will exceed £450. If we estimate that the cost of complying with your request will exceed £450 we will try and assist you to refine it to see if it can be brought within this limit.

If, following such assistance, your request cannot be brought within this limit we will normally decline to respond to your request. This is because we have limited resources to deal with complicated or time-consuming requests. However, in exceptional circumstances we may (at our sole discretion) be prepared to respond to requests which exceed this limit, provided that you pay our charges set out below.

Where we agree to respond to requests which exceed the £450 limit, we will charge you for the time spent by our staff (or contractors) at a rate of £25 per hour on the following activities:

- Determining whether we hold the information requested,
- Locating the information or documents containing the information,
- Retrieving such information or documents,
- Extracting the information from the document containing it.

We will also charge for both the time spent by our staff and any disbursements we incur in informing you whether we hold the information requested, and communicating that information to you. This will include any time and disbursements associated with:

- Putting the information in any preferred format you have requested.
- Reproducing any document containing the information (for example printing or photocopying).
- Postage and other forms of transmitting the information.

1.4 Fees Notices

Where we propose to charge a fee for responding to a request, we will issue a fees notice first.

The 20 working day period (40 days for requests under the Data Protection Act) we have to comply with requests will be 'frozen' when we issue the fees notice and will only restart when we receive payment of the fee. If you pay by cheque, the period will only restart when your cheque clears.

If you do not pay the fees notice within three months, that 'cancels' your request, and we will not have to give you the information you requested.

If the actual cost of responding to your request is more than stated in the fees notice we will bear the additional cost. If the actual cost is less than stated in the fees notice we will refund the excess money to you.

1.5 Related Requests

We may treat two or more requests for information as one single request for the purpose of estimating whether our costs will exceed £450 and for charging, in the following circumstances:

- Where we receive two or more requests for similar information, and
- The requests are received within any period of 60 consecutive days; and
- Those requests appear to have been made by the same person, or different persons acting in concert or pursuance of a campaign.

2. Data Protection Act 1998 (DPA)

We charge a fee of £10 for responding to 'subject access requests' (that is a request for personal data about yourself) under the DPA. We are not obliged to respond to your request until we have received this fee.

If your request is for 'unstructured personal data' (that is data about you which is not held on computer or as part of a 'relevant filing system') then we are not obliged to, and will not normally, respond to your request if we estimate that the cost of doing so will exceed £450. For details of how we will estimate this cost see 'Estimating Costs' above.

3. Environmental Information Regulations 2004 (EIRs)

Under the EIRs we are entitled to make a 'reasonable charge' for the supply of environmental information. The charges we make in relation to requests under the EIRs are similar to those under the FOI Act (described above) but there are a number of differences.

3.1 Estimating costs

When we receive a request for information under the EIRs we will estimate the cost to us of responding to the request in the same way as we do for requests under the FOI Act (see above). Time spent by our staff will be calculated at a flat rate of £25 per person per hour.

3.2 Where the estimated cost is less than £450

Where the estimated cost of responding to your request is less than £450, we will only charge you for any 'disbursements' we incur in informing you whether we hold the information requested, and communicating it to you. These charges will be calculated in the same way as they are for requests under the FOI Act (see above).

3.3 Where the estimated cost exceeds £450

Where the estimated cost exceeds £450 we will respond to your request, but will charge you for both the staff time and disbursements we incur in so doing. These costs will be calculated in the same way as they are for requests under the FOI Act (see above).

Again, time spent by our staff time will be calculated at a flat rate of £25 per person per hour. We estimate that this will be no more than the actual cost to us of handling your request, given the level of knowledge and experience required. However, where it is necessary and/or reasonable for us to use the

services of a third party to respond to your request, we reserve the right to charge you for the actual cost involved, unless we are prevented by law from doing so.

3.4 Fees Notices

Where we propose to charge a fee for responding to a request we will issue a fees notice before responding. The 20 working day period we have to comply with requests will be 'frozen' when we issue the fees notice and will only restart when we receive payment of the fee.

If you do not pay the fees notice within 60 working days, we will not be obliged to respond to your request, although you are entitled to make a new application at any time.

If the actual cost of responding to your request is more than stated in the fees notice we will bear the additional cost. If the actual cost is less than stated in the fees notice we will refund the excess money to you.

3.5 When charges will not be made

We will not make any charge for allowing you to:

- Access any public registers or lists of environmental information held by us; or
- To examine information requested at a place which we make available for that examination.

4. Mixed Requests

Where your request includes information which falls under more than one of the access regimes (i.e. the FOI Act, DPA and EIRs) we will separate out the constituent parts of the request for the purposes of calculating what fees will be charged.