



ACCESS TO INFORMATION – FEES POLICY FREEDOM OF INFORMATION ACT 2000 (Statutory)

1. Introduction:

- 1.1 This policy sets out the charges that Plymouth City Council will make in relation to requests for access to information in accordance with:
- The Freedom of Information Act 2000 (FOIA)
 - The Data Protection Act 1998 (DPA)
 - The Environmental Information Regulations (EIR)
 - The Local Government Act access to information (LGA)
 - Providing Planning Information (Planning)
 - Audit Commission Act and Regulations (ACA)
 - Statutory Registers
 - Any other access to information provisions
- 1.2 Charges will be made for requesting information as allowed for by legislation and any subsequent regulations or national guidance in respect of charging for supplying information in accordance with any legislation.
- 1.3 This Access to Information Fees Policy for the supply of information will be expanded with the details of all charging regimes as they are identified.
- 1.4 Should there be a change in Legislation, Regulations or national guidance that affects the level of fees, then the changes will be implemented on the date that is prescribed or at the beginning of the next financial year.
- 1.5 The set rates detailed later in this policy will be used from one financial year to the next and may be reviewed for the beginning of any financial year.

2 Waiver:

- 2.1 Where the calculated total cost to respond to a request for information, or provide a copy of a document, is less than £10 then the charge may be waived. But not in the following circumstances:
- 2.1.1 Where photocopying machines are provided for the use of the Public then the set scale of charges will always be payable.
- 2.1.2 Where there is a published cost for a publication then that price will always be payable.
- 2.1.3 Where a licence, copyright or patent fee is payable, then that fee will always be charged.

3 Copyright:

- 3.1 The supply of any information, whether a fee is paid for the material or not, does not provide the person who receives the information with an automatic right to re-use the material in a way that would infringe copyright. Brief extracts of the material may only be reproduced for the purposes of research, private study, criticism, review and news reporting.
- 3.2 All information supplied by the School must have the express permission of the School or the copyright holder, in order to be further used, or transmitted in any format or medium.

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4. Licensing:

- 4.1 Where information is proactively disseminated, including through commercial print publications or database products for which users would be expected to pay a purchase price, then the reuse of the information will be subject to licensing terms.

5. Translations and Accessibility versions for those who cannot access information in the way that it is usually provided:

- 5.1 We intend to deal fairly and equally with our diverse community, and provide translation into other languages or accessible versions of documents, in line with the School's Equal Opportunities policy statement. The School will investigate and consider whether it is reasonably possible to provide translations into other languages or into accessible versions of documents. If the School can provide the requested versions of information at a reasonable cost then there will be no extra charge. Otherwise the full estimated cost of meeting the request in the format that the requestor has specified, will be payable in advance.

6. Preferred Formats requested rather than the one in which the information was originally published:

Where the applicant prefers the information to be supplied in an alternative media or format to the original publication or storage method, the School will normally charge for all costs incurred in meeting this preference.

7. More than one document or copy:

Multiple copies of publications, documents or other material can be provided where copyright, licensing arrangements or patents would not be infringed. The charge for supplying multiple copies is the multiple of the single rate plus the cost of any additional staff time, unless other arrangements apply.

8. Information available through the School internet web site:

- 8.1 Web pages or material that is available to download from the School web site can be downloaded by the viewer free of charge. But the School will not be responsible for any associated costs, such as the cost of connecting to the web site or any printing costs.
- 8.2 Unless specified on the web site the material that can be downloaded is available for re-use without requiring a specific copyright licence. However the School must be attributed as the source of the information.

9. Fees Notice for the Provision of Information:

- 9.1 A fees notice will be issued to the person requesting the information if the Council decides to apply a charge in accordance with this policy. The fees notice is based on the FOIA Fees Regulations 2004. The charges that the School will make are explained in the following sections.
- 9.2 A standard form for the Fees Notice is available (Appendix 1) and should be used with all applicants where a charge is to be made, except:
- 9.2.1 when applicants are photocopying the material themselves and are using a pre pay photocopier.
- 9.2.2 for a subject Access Request to the School, which is a fixed £10 charge.
- 9.3 When a Fees Notice is issued no further action will be taken until the fee is received. Should the fee not be paid within the appropriate timescale then the access to information request will lapse and a new request will need to be submitted by the applicant.
- 9.4 Value Added Tax is chargeable when:
- 9.4.1 the School supplies information that is also available from another non Public Authority
- 9.4.2 a charge is made for a document supplied in accordance with the Publication Scheme.

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10. Estimating Costs:

Where the School is required to estimate the cost of staff time and / or disbursements, this will be on the basis of the relevant service areas estimate for the staff time required and the expected disbursements to fulfil the request.

11. Aggregation of Costs:

Where the School considers that requests have been made which can be aggregated according to the FOIA Fees Regulations, then the School will combine the costs of the requests and act as though they were one request.

12. Reimbursement Of Estimated Fees:

Where the School is permitted to estimate costs before supplying the information, then the School will not usually reimburse the fee that is paid by the requestor.

13. Suggestions, Compliments or Complaints:

Any suggestions, compliments or complaints about the operation of this policy should be initially received by the and then processed if appropriate through the School Complaints procedure.

SPECIFIC CHARGING REGIMES

14. Freedom of Information Act (FOIA):

14.1 The FOIA was in force from 1st January 2005 and allows for a charge to be made for the provision of information.

14.2 Publication Scheme:

The FOIA requires the School to maintain a Publication Scheme that identifies the information that is routinely published by the School. Information available through the Publication Scheme will be provided free of charge unless there is a £ sign which signifies that a charge will be made due to the size, complexity or format of the material.

14.2.1 If the Publication Scheme refers to material that is available to download from the School web site then no charge will be made for downloading. But the School will not be responsible for any associated costs, such as the cost of connecting to the web site or printing costs.

14.2.2 Single copies of the material referred to in the School Publication Scheme that do not have a charge £ sign, can be provided free of charge on request from the School.

14.2.3 Copies of material for which a charge will be made can be requested from the School. The material will be supplied once the charge has been paid.

14.2.4 Multiple copies of charged publications will cost the requestor a multiple of the single rate.

14.3 FOIA Fees Regulations:

The regulations prescribe the basis for charges that can be applied in responding to FOIA requests. This section explains the charges that the School will make under the Regulations.

14.3.1 All fees are payable in advance before the information is obtained and provided.

14.3.2 The 'Appropriate Limit'

The School is obliged to respond to a request where the estimated cost is below the 'appropriate limit' that the Regulations have set at £450. The Regulations prescribe what costs may be taken into account when calculating whether the cost of responding to a request is above or below this limit. Prescribed costs include the cost of staff time involved in determining whether we hold the information, locating the information or documents containing the information, retrieving the information and extracting the information from documents. This includes the amount of staff time involved in editing documents but not the staff time involved in deciding whether an exemption is applicable.

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In calculating the cost of staff time the School is required to use the rate of £25 per person per hour. See Appendix 3

14.3.3 For requests which are below the £450 appropriate limit.

The charge that the School can make for responding to a request is limited to the estimated cost of providing the information in the format requested and the disbursements of photocopying, other costs of reproducing the information and the cost of sending the information.

See Appendix 4 & 6 for standard charges.

The cost of staff time cannot be charged.

14.3.4 Requests which exceed the £450 limit.

The School may consider meeting a request that exceeds the applicable limit, but is not obliged to do so.

However, as an application to provide information that exceeds the 'applicable limit' will require the use of School resources to provide a service that it is not obliged to provide by statute, then the School will not normally provide this service unless the School determines that it would be in the 'public interest' to meet the request.

Should the School decide to meet the request, then the charge will be the full cost of satisfying the request including the disbursements and the total cost of the full staff time involved in meeting the request (including the first 18 hours).

The School may charge a reasonable rate for the cost of the staff time. Currently this rate is £25 per person per hour. See Appendix 3.

15. Data Protection Act (DPA):

15.1 Governing Bodies of schools make a charge for supplying a copy of records rather than a Subject Access Application fee. See Appendix 2 for the scale of charges.

15.2 In addition to the subject access right that can be exercised by pupils or by parents acting on behalf of pupils, parents have their own independent right to inspect the official educational records of their children. (The Education (Pupil Information) (England) Regulations 2000). If the applicant requests a copy of the record to take away then a fee covering the cost of supplying the information, may be charged. See Appendix 2 for the statutory charges for providing paper copies.

15.3 If an application is made by a person for records concerning themselves and the records are not held in a relevant filing system then the Freedom of Information charging arrangements apply rather than the fixed fee that applies to a subject access request.

16. ENVIRONMENTAL INFORMATION REGULATIONS (EIR):

16.1 The Environmental Information Regulations 2004 provide a discretionary power to make an appropriate charge for supplying information to a requestor, provided that this charge does not exceed the costs reasonably attributable to the supply of information.

16.2 The School will charge;

The cost of staff time associated with supplying the information, this includes locating, retrieving, and collating information that has been requested.

The EIR's do not specify an appropriate limit before the cost of staff time can be charged. The School will charge for the cost of staff time after the an initial ¼ hour of staff time has been provided. The standard charge for staff time will be at the rate of £25 per person per hour. See Appendix 3.

And the cost of the disbursements associated with obtaining and providing the information.

16.3 No charge for environmental information will be made if the information requested can be supplied verbally within 15 minutes, at the time of request.

Staff will not dictate an excessive amount of information. If staff consider that the amount of time required to convey the information is beyond 15 minutes they will supply a Fees notice. See Appendix 1.

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16.4 A request to view environmental information may not attract a charge if the information is readily available, the staff time involved to provide the information is not significant and extensive searching of files or multiple copying or printing is not required.

16.5 There is an additional list of fees and charges for Environment and Consumer Protection services that are separate to the provision of environmental information in accordance with the EIR.

17. Council and Committee minutes and reports:

17.1 All recent Governors meetings, supporting documents and papers for current meetings to which the public have access are available from the School web site.

17.2 If multiple copies are requested or the material is requested in a format that the School would not normally be used by the School to supply the material, the full cost of staff time and disbursements of supplying the multiple copies or the material in the format requested by the applicant, will be charged through a Fees notice. See Appendices 3,4, 6 & 7.

By order of the Governing Body of Notre Dame School

Policy first adopted by Governors Finance Committee: 5 October 2005

Review Term: 4 Yearly

Review Date: 18 October 2011 Signed Chair of Finance

Review Date: 8 January 2013 Signed Chair of Finance

Review Date: 18 January 2017 Signed Chair of Finance

Next Review: January 2021

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**APPENDIX 1
FEES NOTICE (on school headed notepaper)**

Dear

Request for Information Fees Notice – Reference

I refer to your request dated to receive information from Notre Dame R C School. The total fees for providing this information will be £ and this amount has been calculated as follows:

	Units	£ cost	VAT Rate if Applicable
Staff time: hours@ £25 per hour			
Photocopying			
Computer print out			
Microfiche printing			
Postage and packing			
Other – <i>specify</i>			

DELETE LINES IF NOT
APPLICABLE

If you wish to proceed with your request for information please return the confirmation slip below. **You must do this within 3 months from this date of this Fees Notice or your request will be lapsed.** On receipt of the confirmation slip I will contact you again to explain the next stage of the process. You will be invoiced by the School for the amount agreed on this Fees Notice when the information request has been dealt with by the school.

If you have any queries regarding this notice please do not hesitate to contact me.

Yours sincerely

To Notre Dame R C School
Looseleigh Lane
Derriford
Plymouth
PL6 5HN

Request for Information Fees Notice – Reference

I refer to my request dated to receive information from Notre Dame R C School. I confirm acceptance of the total fees for providing this information, £ and wish to proceed with my request for information. I understand that I will be invoiced by the School for this amount when the information is released.

Signed Date

Name Address

(BLOCK CAPITALS)

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APPENDIX 2 CHARGES THAT SCHOOLS CAN MAKE

Fees are set by the Governing Body and should conform to the following:

Information Commissioner - Compliance advice Data Protection Act 1998

Subject access – Right of access to education records in England. November 2000

Subject Access Fees

No of Pages	Maximum Fee	No of Pages	Maximum Fee
1-19	£1	100-149	£10
20-29	£2	150-199	£15
30-39	£3	200-249	£20
40-49	£4	250-299	£25
50-59	£5	300-349	£30
60-69	£6	350-399	£35
70-79	£7	400-449	£40
80-89	£8	500+	£50
90-99	£9		

APPENDIX 3 CALCULATING THE HOURLY RATE FOR STAFF TIME

The Department of Constitutional Affairs have advised that the upper limit of the cost for staff time involved in obtaining and providing the requested information is £450. which is equivalent to approximately 2 ½ days work which = approx 18 hours.

Thus $450 / 18 = £25$ per hour

This is the fixed Central Government determined rate that must be applied when calculating whether the upper limit in obtaining and providing information has been reached.

See Section 2.3.4 of the Guidance on the application of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

DISCRETIONARY RATE FOR STAFF TIME

Should the Council decide to provide information even though the cost is in excess of the upper limit then the Council can apply a reasonable rate.

At present the discretionary rate is agreed as being £25 per hour for staff time.

CALCULATING STAFF TIME

The total number of hours will be the total of ¼ hour periods that staff are occupied solely on the relevant task either estimated or actual.

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APPENDIX 4 DISBURSEMENTS –PRICE LIST

Photocopying

Self Service	
A4 B&W single side or computer print out	£0.10
A4 Colour single side photocopy or computer print out	£1.00
A3 B&W single side or computer print out	£0.20
A3 Colour single side photocopy or computer print out	£1.50
A2 B&W single side or computer print out	£0.75
A1 B&W single side or computer print out	£1.00
A0 B&W single side or computer print out	£1.25

Staff Assisted on a self-service photocopier	
A4 B&W single side	£0.30
A4 Colour single side	£1.20
A3 B&W single side	£0.40
A3 Colour single side	£1.70

Double-sided photocopies will be charged at double the single sided rate. Multiple copies are charged as a multiple of the single rate.

Computer print out or a screen dump As for photocopies

Photographs

from a negative	£3.00
from a print	£7.50

APPENDIX 6

POSTING AND PACKING CHARGE

Number of Pages	
1 – 10	£1.00
11-30	£2.00
31-50	£3.00
51-70	£4.00
71-90	£5.00
91-110	£6.00

CD's / disks each considered to be 5 pages, other media will be assigned a page weighting

FAXING CHARGE

Transmission within UK	£1.25 + cost of providing the A4 page
Transmission to Europe	£1.50 + cost of providing the A4 page
Transmission to N America	£2.00 + cost of providing the A4 page
Transmission to rest of World	£2.50 + cost of providing the A4 page

APPENDIX 7 VALUE ADDED TAX

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See Section 6 of the Guidance on the application of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

6.1 Sections 9 and 13 of the Freedom of Information Act 2000 gives public authorities the option to charge for information in accordance with the fees Regulations (SI 2004/3244). As the Act does not set a specific fee, any monies charged are not statutory fees. However, if the information could only be provided by a public authority (ie the information is not also held by organisations that are not public authorities), Customs do not consider that information released under the Act constitutes an economic activity. As such, any fees charged in these circumstances will be outside the scope of VAT. This means that no VAT should be added to the fees.

6.2 If, on the other hand, a public authority is not the only possible source of the information (ie the information is also available from a source that is not a public authority), any fees charged would attract VAT, as this would be classed as economic activity. This distinction is made so as not to distort competition between the public and private sector.

6.3 These rules apply equally to requests that are above or below the appropriate limit - the key determining factor as to whether VAT is charged is whether the information is available from another source that is not a public authority.

6.4 So, to summarise:

- If the School was asked for information, and the information was only available from that School, any fees charged would not attract VAT.
- If the School was asked for information that was available from another source, any fees would attract VAT. This would still be the case even if the authority was obliged to supply the information because the cost of answering was below the appropriate limit.
- Fees charged for information that is provided in accordance with a public authority's publication scheme will attract VAT.

<http://www.dca.gov.uk/foi/feesguide.htm#part6>