

Charging Procedure (Revised Guidance)

Under Freedom of Information legislation there are two separate provisions about charging for the provision of information.

Information in the Publication Scheme

Where information is accessible under the Publication Scheme the arrangements for charging are set out in paragraph 23 of the Scheme. This paragraph is quoted below:-

“23. We will not charge for access to information available online or if it is sent to you by e-mail, floppy disk or CD. However, if printed copy is requested, this will be charged at 10p per page of copy. No charge will be levied for the provision of any promotional and advisory leaflets and related material unless they are published for sale, in which case the cover price will be indicated to you. On receipt of requests where a charge is to be levied, you will be advised of the total charge which will require to be paid prior to delivery of your requested information. This may include postage. The person named in paragraph 13 has the discretion to waive any charge.”

Normally all charges for the provision of information under the Publication Scheme should be waived as it is unlikely to be cost effective to recover costs in all but the most extreme of requests. If the cost is estimated, based on photocopying charges to amount to more than **200** pages of A4 paper (i.e. £20.00), please seek advice from the relevant contact at paragraph 13 of the Publication Scheme on whether a charge should be levied. Otherwise provide the information at no cost.

Requests outwith the Publication Scheme

Here the rules about what we can charge are governed by Regulations:-

The Freedom of Information (Fees for Disclosure under Section 13 (Scotland) Regulations 2004 - SSI 2004 No. 376; and

The Freedom of Information (Fees for Required Disclosure)(Scotland) Regulations 2004 – SSI 2004 No. 467

Under the Regulations only certain costs can be recovered. This is known as the “**projected costs**” and is defined as the direct and indirect costs which we reasonably estimate are likely to be incurred in **locating, retrieving and providing information**. We cannot charge for the cost of determining if we hold information or in deciding if an exemption applies. We cannot charge for any additional cost in meeting our obligations under the Disability Discrimination Act e.g. in putting information in an accessible form.

Staff costs can only be recovered at a rate **not exceeding** £15.00 per hour per member of staff. Two rates are proposed. One is for Clerical staff time at Band 2 under Agenda for Change @ £11.00 per hour and the other at the maximum permitted @ £15.00 per hour for all other staff.

The first £100 of cost is to be met by the authority.

After the first £100, the authority can charge 10% of projected cost up to a maximum of £600. This cost maxima is set out in Regulations and is known as the “prescribed sum” under Section 12(1) of the Act.

EXAMPLE

We calculate that it will cost 10 hours to locate and produce the information sought. The prescribed cost is £15 of staff time x 10 = £150 plus the cost of photocopying at 10p per sheet x 600 sheets = £60. The total projected cost is therefore £210. The sum calculated does not exceed the prescribed sum (£600) so we should provide the information unless an exemption applies. The first £100 of this projected sum is to be met by the authority That leaves £110 of cost to be charged at 10%. The total we can charge is therefore £11.00.

There are separate provisions about what happens if the cost estimate exceeds the prescribed sum (£600). Here we have two options:-

- (a) decline to provide information in these circumstances, or
- (b) agreed to provide the information, but on the basis that the applicant pays £50 plus the amount by which the projected cost exceeds £600.

Two of more requests for the same, or substantially the same, information

Where two or more requests are made by different persons, we are **not** obliged to comply with either or any of these requests where **all of the following conditions are met:-**

- (a) the information sought in the requests covers the same subject matter or overlaps to a significant extent;
- (b) we estimate that the total cost of complying with both or all of the requests would exceed the prescribed sum (£600);
- (c) we consider that it would be reasonable to make the information available to the public at large and elect to do so; and
- (d) within 20 working days of receipt by us of the first of the requests we notify each of the persons making the requests that the information is to be made available to the public at large (e.g. via our Publication Scheme) within 20 working days.

If you believe you are receiving multiple requests for information you should contact the relevant Fol contact at paragraph 13 of the Publication Scheme before responding. On occasions, we may identify from our database of

requests processed that multiple requests are being received and issue guidance to staff on how they should respond.

Process for Issuing a Fee Notice

Where it is estimated that the cost of responding to a request will involve other than minimal costs (say more than £20.00) it is necessary to prepare a formal cost estimate using the form attached which will form the Fee Notice we are required to send to an applicant. The cost estimate in the form of a draft "Fee Notice" has to be submitted to the Finance Department before issue (see below).

The draft Fee Notice should be completed to show:-

- the name and address of the applicant;
- a summary in a few words of the information requested in the heading e.g. "waiting times" or "cost of the Local Forensic Unit at Stobhill";
- the date of their request;
- contact details (name and phone number) of the person processing the request;
- the basis of the cost estimate calculation at Section 1 which directs the applicant as appropriate to Section 2 or 3 to see the fee payable;
- a calculation at Section 2 **or** Section 3 (depending on the total projected cost) Section 2 applies where the total projected cost is £600 or less. Section 3 applies where the total projected cost is over £600. **NOTE only one of Section 2 or Section 3 should be completed;**
- at the foot of page two of the form the name and contact phone number of the person preparing the form; and
- details of the IDA number for the relevant service so that any income collected can be allocated to the relevant service.

The draft Fee Notice once prepared by the individual/department dealing with the request should be sent **by e-mail** to the Finance Department for verification and allocation of a reference number. If you do not have access to e-mail contact one of the individuals named at the end of this note. The Finance Department will check your calculations and will add to the form a reference number at the top right hand corner of the Fee Notice which the applicant must quote in making payment.

Finance will either:-

- (a) advise you that the fee is to be waived (i.e. no charge made) and you should proceed immediately to issue of the requested information; or
- (b) return the approved form to you (with any necessary amendments) and inclusion of the reference number. Where the fee is approved, the person processing the request must then issue the Fee Notice (with the Finance Reference Number) with **a standard letter** to the applicant.

Once payment has been received the originating department will be advised by e-mail by the Finance Department and will be required to provide the requested

information. In calculating the time for the provision of information the period between the issue of the Fee Notice and receipt of payment is to be ignored for the purpose of calculating the 20 working days for making a response.

An applicant has a right to appeal against our calculation of a fee. Where the actual cost falls short of the estimate the applicant is only to pay the actual cost and we are to repay any excess. It is for the person dealing with the request to decide if any repayment is due and to make arrangements for this with the Finance Department. Also, if we underestimate the charge due, we cannot charge the applicant more than the sum set out in the fee notice. It is important, therefore, that fee estimates are accurate.

A sample Fee Notice form is attached. It is also available to download as part of the standard letters from the Intranet.

FREEDOM OF INFORMATION – FEE NOTICE

To:
 XXXXXXXXXXXXXXXXXXXX
 XXXXXXXXXXXXXXXXXXXX
 XXXXXXXXXXXXXXX
 XXXXXX

Fee Notice Reference
 (quote when making payment)

FOI/PCD/ /

Request for Information relating to XXXXXXXXX

The estimated cost of providing information set out in your request dated XXXXX is detailed below. Should you wish us to provide this information you must make payment of the estimated sum calculated in accordance with Regulations made under the Freedom of Information Act 2002 in advance of our providing the information. The sum payable is shown in Section 2 or 3.

Payment should be made by cheque sent to **Details to be added dependant on relevant Division.** In case of query please contact (name and contact details of person dealing with the request).

Section 1 - Estimate of Cost

	Rate	Volume	Total
(a) Staff Costs			
Clerical staff time	£11.00 per hour		£
Professional/management time	£15.00 per hour		£
(b) Printing/Copying costs	10p per sheet		£
(c) Outlays			
Travel	p per mile		£
other (provide details)			£
			£
			£
			£
	Total projected cost		
Does projected cost exceed £600.00?	No - go to section 2 to see fee payable Yes - go to section 3 to see fee payable		

Section 2 – Fee Payable (where estimate under prescribed cost limit)		
	Total projected cost (see Section 1)	
Less initial cost to be met by the authority		- £100.00
Balance		
Balance charged at 10% of cost up to a maximum of £50.00		
	Fee Payable	

Section 3 – Fee Payable (where estimate over prescribed cost limit)		
	Total projected cost (see Section 1)	
Less prescribed cost limit (£600)		-£600.00
Amount that projected cost exceeds prescribed cost limit (above £600) which is to be met in full by applicant plus		
Applicant's contribution to authority's first £600 of costs		£50.00
	Fee Payable	

Prepared by	Name		Phone 0141
Finance Code for income	IDA		Detail Code 0699
Checked by	Name		Phone 0141
Issued on	__/__/____	By	
Payment received	__/__/____	By	
Advised person processing application	By	on __/__/____	