



Freedom of Information Charging Policy

History of document: To be reviewed annually and re-approved by the Trust Board every three years, or sooner if deemed necessary.

Version	Author	Date written	Approved	Note of Revisions
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Introduction

The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) give rights of public access to information held by public authorities. This charging policy is a guide to the fees the Trust charges for responding to a request for information under the Freedom of Information Act 2000 (FOI Act). The policy complies with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Fees Regulations) issued under the FOI Act.

Overview

Section 9 of the FOI Act allows the Trust to charge a fee for providing information in response to a request. The fee is determined in accordance with the Fees Regulations. The Fee Regulations set out what charges are permissible for information requests. These charges are currently defined as two elements, prescribed costs and disbursements.

Under section 12 of the FOI Act, the Trust does not have to comply with a request for information if the cost of compliance exceeds the Appropriate Limit. This is the limit for the estimated or calculated prescribed costs. The regulations define an 'Appropriate Limit', for local government, and this limit is currently £450.

The Trust must still confirm or deny whether it holds the information requested unless the cost of this alone would exceed the appropriate limit.

The Fees Regulations do not apply where the Trust is able to charge for the disclosure of information under another statutory provision.

Scope

Whilst the Trust does not wish to place obstacles in the way of access to information, larger or more complex requests may require a fee to be calculated and a fees notice to be issued. (See 'Calculating Charges').

The Trust will charge for:

- Information requested that is priced within the publication scheme.
- Information which has a charge imposed by another enactment or regulation.
- Large or complex requests where a fees notice is issued.
- Disbursements (see 'Costs of Disbursements') over £5.

Cost of Preparation

When responding to a request for information, the Trust will take into account the estimated costs of preparation and the Trust will estimate whether complying with the request will exceed the appropriate limit.

Where the estimated or calculated prescribed costs are over £450, the Trust can refuse to comply with the request. In these instances, the Finance Team will discuss with the applicant whether they wish to modify their request.

In exceptional cases, the Trust may comply with requests where the estimated or calculated prescribed costs are over £450. In these instances, the Trust will charge for the full, prescribed costs based on the calculation method and rate shown in 'Calculating Charges', and 'Costs of Disbursements'.

Prescribed Costs

The Trust can only take into account the costs it reasonably expects to incur in:

- Determining whether it holds the information requested;
- Locating the information, or document containing the information;
- Retrieving the information, or a document containing it; and
- Extracting the information from a document containing it - (This includes the first time an individual working in the Trust reads information for this purpose, any subsequent reading, or if the information is passed to others to read, is not included), it also includes the time taken to summarise information, or to edit information, (e.g. editing and redacting where exemptions apply to part of the information contained in a record).

- Assessing whether the Appropriate Limit is exceeded

The Trust will take into account the costs attributable to the time that persons (both the officers and external contractors) are expected to spend on the above four activities. The cost will be calculated at £25 per hour per person, regardless of the actual cost or rate of pay. The calculation of the Appropriate Limit of £450 is equivalent to 18 hours of one person's time charged at the £25 per hour rate.

Making an Estimate

The Trust does not have to make a precise calculation of the costs of complying with a request; only an estimate is required.

The estimate must be reasonable and can only be based on the four activities listed above. What amounts to a reasonable estimate is determined on a case by case basis. For an estimate to be reasonable it must be sensible, realistic and supported by evidence.

Exceeding the Appropriate Limit

Where a reasonable estimate is made that the Appropriate Limit of £450 for the costs of preparation would be exceeded then the Trust, through the Finance Team, will either:

- Refuse to comply with the request; and/or
- Issue a fees notice to the applicant for the estimated amount

Where appropriate the applicant may be asked whether they would like to reframe their request so that it does not exceed the appropriate limit of £450. In these circumstances the applicant will have the choice of amending the request or alternatively paying the preparation fees.

The Trust can also include the costs of Disbursement as a separate fee – (see Costs of Disbursements). Where the limit is exceeded, there is no requirement for the Council to undertake work up to the limit.

On complaint, the Information Commissioner can investigate the way in which an estimate has been determined, and, if the estimate is considered to be unreasonable, the Information Commissioner can issue a substitute estimate. The Information Commissioner will not normally deal with such complaints unless the Trust's own internal review processes have been exhausted.

Limitation on Charging

- The estimated cost of staff time taken deciding whether any exemptions apply to the disclosure of information cannot be taken into account when calculating the appropriate limit.
- Requests received for information already available on the Trust's websites. (Unless a charge is indicated)
- Requests received for information available via the Trust's Publication Scheme (where there is no charge indicated).
- Requests that Trust staff can easily answer without the need for extensive location and retrieval effort. (For example business as usual requests).
- Information that has been released previously following a request, and where a copy of this is maintained.
- Providing information in an alternative format if the Disability Discrimination Act (DDA) or the Race Relations Amendment Act applies, unless the original document was a priced publication. In this instance, the charge for the alternative format will not exceed the cost of original publication.
- Additional translation charges for supplying information in a different language (where English is not the first language). Where the original document is already priced, the cost for a translated version will not exceed the cost of the original publication. The Trust cannot charge for the costs of preparation if it is estimated or calculated that these prescribed costs are under £450 (other than the cost of the disbursements (reproducing the information, postage etc.) see 'Costs of Disbursements' below.

Duty to Confirm or Deny

If the Trust estimates that the £450 limit for the costs of preparation will be exceeded, the Trust will nevertheless confirm or deny whether the information requested is held, provided an exemption to this does not apply, and the estimated cost of complying with this alone would not exceed £450.

Costs of Disbursement

The Trust is allowed to charge for 'disbursement' costs. These are separate costs to the prescribed costs of preparation and can be charged independently, even where no preparation fees have been applied.

Disbursement costs will be charged when they reach £5 or over.

The disbursement costs are the costs of:

- Informing the applicant whether the information is held.

- Communicating the information to the applicant
- Meeting the preference expressed by the applicant as to the format of communicating the information e.g. CD-ROM, other electronic format, paper copy.
- Reproducing any document containing the information.
- Postage and other forms of transmitting the information.

Calculating Charges

For large and more complex requests, the Trust will calculate the charges as follows:

- Determine the estimated time required for the Appropriate Limit costs (determining if the Trust holds the information, locating, retrieving and extracting this).
- Multiply by £25 (the hourly rate defined within the fees regulations).
- Determine the charge for disbursements (This will generally be the actual costs of photocopying, printing, postage, faxing, however, it may be necessary to estimate some elements).
- Any other costs relating to supplying the information to the applicant.
- The Trust's standard photocopying charge in force at the time of the request will be applied.

Payment of Charges

If the Trust considers that a charge is appropriate, the Finance Team will issue the Applicant with a Fees Notice. Where disbursements are payable, the Finance Team will also issue the Applicant with a Fees Notice.

Under the FOI Act, the Trust is normally required to comply with a request for information within twenty working days, however, the calculation of the twenty working days does not include the time that passes from when a Fees Notice is issued and when the Trust receives payment. If, after three calendar months, no payment is received, the request will be treated as having lapsed.

Repeated Requests or Requests in Pursuance of a Campaign

Repeated Requests refer to situations whereby two or more similar requests for information have been made to the Trust, either by the Same Person or from Different Persons who appear to the Trust to be working in association, including for the purposes of pursuing a campaign. If the Trust receives these types of requests within 60 consecutive working days, the following calculations can be applied

Aggregate Requests from the Same Person

The Trust will aggregate these requests for the purposes of calculating costs. Where the estimated costs exceed the 'Appropriate Limit' of £450, the Trust will either refuse to comply with the request and/or issue a Fees Notice to the applicant for the estimated amount.

Aggregate Requests from Different Persons

The Trust will firstly estimate the costs for each individual request and then aggregate the requests for finding the overall estimated cost.

If the total costs exceed the 'Appropriate Limit' each individual will be charged for their request. For example a request made by 2 individuals, each amounting to £350. Added together the total costs are £700, and therefore exceed the 'Appropriate Limit' of £450. The Trust can charge each applicant £350 (together with any charges for disbursements).

This formula will apply to all aggregate requests received within 60 consecutive working days. Where two or more requests are received at separate times, and the first request has been complied with, the Trust reserves the right to aggregate all subsequent related requests – i.e. the second/third request and charge these applicants according to the formula described above. Applicants will be informed of the Trust's reasons for aggregating requests and invited to pay the specified amount. In all cases Fees Notices will be issued.

Review of Costs

The Trust reserves the right to keep under review its rates of calculating costs where the Fees Regulations allow. The Trust will endeavour to keep costs reasonable, in order to assist public access to information in accordance with the spirit of the FOI Act.

Complaints

The Trust's Information Policy details the procedure for making a complaint.

The Information Commissioner is unlikely to investigate any complaint about the Trust's handling of an information request unless the complaints procedure has been exhausted.

Complaints about the way in which information requests are handled should be directed to:

The Chief Financial Officer
Yorkshire Causeway Schools Trust
St Aidan's C of E High School
Oatlands Drive
Harrogate
HG2 8JR
Email: admin@yorkshirecauseway.co.uk