

# **Thurrock Council Information Requests Charging Policy**

**Information Management team**

## Version control

<b>Title</b>	Information Requests Charging Policy
<b>Purpose</b>	To detail the council's policy on charging for information requests under information governance legislation
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<b>Approved by</b>	People Board
<b>Date</b>	25 February 2021
<b>Version number</b>	5
<b>Status</b>	Final
<b>Review frequency</b>	Every 3 years or at the point there are changes to information governance legislation
<b>Next review date</b>	25 February 2024

## Amendment history / change record

Date	Version	Key changes / sections amended	Amended by
December 2017	4.1	Changes made to section 7.1 to remove references to 'the Data Protection Act 1998' and replaced with 'data protection legislation' and to remove reference to fee as from 25 May 2018 this is no longer applicable.	Strategic Lead – Information Management
January 2019	4.2	Changed job title of the Information Manager to Strategic Lead	Senior Data Protection Manager
February 2021	5	Key changes: <ul style="list-style-type: none"> <li>removed fax as a cost under disbursements</li> <li>merged photocopy and prints together as a disbursements cost</li> <li>removed the scanning charge</li> </ul>	Strategic Lead – Information Management

# Contents

# 1. Requests made under the Freedom of Information Act (2000)

## Fee Regulations

The method of calculating charges within this policy is in line with the Freedom of Information (appropriate limits and fees) Regulations 2004.

## Estimating the costs of processing requests

When estimating the cost of complying with a written request for Information, the council will take into account the staff time involved in:

- determining whether the information is held
- locating the information or a document that may contain the information
- retrieving and extracting the information, or a document that may contain the information

The cost of the above activities will be calculated by applying an hourly rate of £25 per person. This hourly rate has been set by central government and forms part of the Fees Regulations.

When calculating the costs to process requests, the council cannot take account of the time taken to consider whether information is exempt under the Act.

In all cases the costs must be 'reasonable'. In other words, it would be unreasonable for the council to charge an applicant for the operation of a poor records management system.

## Where the cost to process a request is below £450

Where the cost of complying with a written request for information is estimated to be below £450 (or below 18 hours), there will be no charge unless the disbursement costs (printing copying and postage) exceed £10.

Where disbursement costs exceed £10, the applicant will be issued with a fees notice and must pay the costs within a period of 3 months before the council can comply with the request. Disbursements costs applied by the council are shown below.

## Where the cost to process a request exceeds £450 (or 18 hours)

In accordance with the fee regulations set by central government, the council is not obliged to respond to a written request for information, where it estimates that the cost of complying with the request would be in excess of £450 (which equates to 18 hours of work at £25 per hour).

Section 12 of the Freedom of Information (FOI) Act allows the council to refuse to deal with a request where it estimates that it would exceed the appropriate limit (£450 or 18 hours). Therefore the council will refuse to provide information in these cases. The council will offer to discuss with the applicant, however, whether he or she would prefer to modify the request to reduce the cost.

## Campaign requests

If the council receives two or more related requests within a period of 60 consecutive working days, from a person or different persons who appear to be acting in concert or in pursuance of a campaign, the costs of complying with the individual requests will be aggregated.

## Disbursements

### Photocopies and printed copies

Type	Charge
A4 black and white	10p per sheet
A3 black and white	20p per sheet
A4 colour	£1.00 per sheet
A3 colour	£1.50 per sheet

Postage costs will also apply and will vary per document.

### Electronic media

Type	Charge
Email attachment	No charge

The council will not charge for:

- providing information in an alternative format if the Disability Discrimination Act (DDA) covers the person requesting it, unless the original document was a priced publication – in this case, the charge for the alternative format will not exceed the cost of original publication
- requests for information to be supplied in different languages (if English is not their first language)

## 2. Requests made under The Environmental Information Regulations 2004

The council will process all requests for information covered by the Environmental Information Regulations Act (EIR). Regulation 8(1) of the EIR states that a public authority has discretion to charge for making environmental information available.

The council will charge the applicant for making environmental information available. Any charge made under EIR will be reasonable.

In general, a reasonable charge is one that covers the actual costs incurred by the council in producing the information – for example, the costs incurred in photocopying and printing. The cost of staff time taken to locate information can also be considered. The council will only take this into account in circumstances when work is required to identify, locate and prepare the information prior to disclosure.

The cost of staff time will be calculated using the same charge as outlined above for FOI requests – that is, at £25 per hour (irrespective of the 18 hour threshold, which does not apply under EIR).

Disbursement costs will be calculated using the charges outlined above.

### **3. Requests made under Data Protection legislation**

Under data protection legislation, data subjects can request access to their information (referred to as Subject Access Requests) from the council free of charge from 25 May 2018.