

# South Lakeland District Council

## ACCESS TO INFORMATION

### CHARGING POLICY

#### 1 SCOPE

This Policy covers the charges South Lakeland District Council makes for access to:

Personal information under the Data Protection Act 1998; and

Non - personal information under the Freedom of Information Act 2000 and the Environmental Information Regulations of 2004.

#### 2 EXEMPTIONS

There are no exemptions from this policy.

#### 3 CHARGES

Charges will be levied at the rates defined in Appendix A to this policy. All charges must be paid in advance. No work will be undertaken until the requisite fee is paid.

#### 4 COMPLAINTS

Complaints about any charges levied under this policy should be made in writing and addressed to:

Corporate Complaints Officer

South Lakeland District Council

Lowther Street

KENDAL

Cumbria LA9 4DU

[complaints@southlakeland.gov.uk](mailto:complaints@southlakeland.gov.uk)

If the applicant is still unhappy following the appeal decision they should be advised to write to:

The Office of the Information Commissioner

Wycliffe House

Water Lane

WILMSLOW

Cheshire SK9 5AF

[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

#### 5 REVIEW

The Research & Intelligence Manager will review this policy annually or more frequently as the need arises.

Paul Mountford

Research & Intelligence Manager

31 January 2011

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#### APPENDIX A - APPLICABLE FEES

##### A. FREEDOM OF INFORMATION ACT 2000

1. South Lakeland District Council (the Council) will charge for answering any request for information made under the legislation except that no charge will be made for a value of less than £5.00. All charges will be communicated in writing to the applicant through a **fees notice**.

The Council will not take into account any cost other than those set out in the Fees Regulations (SI 2004/3244 Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations). In particular, it will **not** take into account:

- Time taken to check a request meets the Act's requirements;
- Considering if the requested information should be withheld because of an exemption;
- Considering whether a request is vexatious or repeated;
- Obtaining authorisation to send out the information;
- The time taken to calculate any fee charged, including any costs associated with producing and serving a fees notice; or
- Providing advice and assistance under the Act.

##### 2. Fees Notice

The applicant will be sent a fees notice detailing the estimated costs of meeting the request as soon as possible, but within three working days of receiving the request. The 20 working days clock will stop ticking when the fees notice is issued and restart when payment is received - if a cheque this means cleared.

No further work need be undertaken until full payment has been received. On receipt a cheque must be passed immediately to Finance for clearance. Unless advised to the contrary the co-ordinating officer should assume the cheque is cleared after four working days.

If full payment is not received within three months of the date that the fees notice is issued the request should be closed. Any subsequent request should be treated as a new request.

If the cost of finding the requested information is:

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##### 1. Below the £450 limit

The only charge will be for the **Disbursements** (see below for relevant charges) involved in answering the request. No charge can be made for staff time taken in finding or supplying the information.

##### 2. Over the £450 limit

Any request that will cost more than £450 will be refused as allowed by legislation. The Council will work with requesters in these cases to reduce costs, but will not undertake any work where the £450 ceiling is breached.

##### 3. Working out the £450 limit

This is an estimate of the staff time needed to do any or all of the following when answering the request and includes:

- Determining if the Authority holds the requested information;
- Retrieving the information or a document that contains the information; and
- Extracting the information from a document containing it.

##### 4. Disbursements

These are the costs incurred in:

- Complying with the request for information in a specific format (e.g. summary, inspection, etc);
- Locating the information or a document that contains the information;
- Reproducing any document; and
- Postage and other forms of transmission e.g. fax

Charge Rate are: Disbursement	Charge
Complying with any obligation under the Act when communicating the information, for example the information in a specific format	Charged at cost. Time spent putting information in the requested format; summarizing the information or supervising an inspection of the information is charges at £25 an hour.
Photocopying	10p per impression, regardless of size. Staff time involved is not chargeable.
Postage and other forms of transmission, e.g. fax.	Charged at cost. Staff time is not chargeable.

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##### 5. Summary Inspection

Where the applicant asks to see the information, but does not want a copy of it no charge will be made. The applicant must not be left alone with the information. Staff charges for accompanying the applicant while the information is inspected will be charged at £25.00 an hour. Photo-copying charges will be at the specified disbursement rate.

##### 6. Aggregated Requests

The costs of answering more than one request can be added together (or **aggregated**) for the purpose of estimating if the threshold will be exceeded where they:

- Are either from the same person or from different persons who appear to be acting in concert or in pursuance of a campaign; and
- Relate to the same or similar information; and
- Have been received within a space of 60 consecutive working days.

##### 7. The Charge

Each request will be charged at the average of the costs for answering all requests. In case where a request has been made and paid for and subsequent requests are made then costs will not be so averaged.

##### 8. Publication Scheme

All applicable charges to access information included in the Publication Scheme must be included in the Scheme. This will be:

1. As defined by legislation;
2. In line with existing charging practice for information provided; or
3. At cost.

Where applicable, legislative charges will take precedence followed by existing charging practice. Any requested information that is not in the Scheme will be included in the Scheme at the next review. Any relevant charges will be identified in the Scheme at this point.

##### 9. Copyright

The Copyright, Designs and Patents Act 1988 allows copyright information to be reused without the user obtaining formal consent from the copyright holder for:

- Research for non-commercial purposes;
- Private study; or
- News reporting and review.

If the applicant wants to reuse the information for other purposes, for example commercial purposes, she/he needs permission from the copyright holder and should be advised to contact the holder direct.

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##### B. ENVIRONMENTAL INFORMATION REGULATIONS 2004

1. All requests will be charged as for the Freedom of Information Act with the exception that full charges will be made at all times when the initial £5.00 limit is breached.

##### C. DATA PROTECTION ACT 1998

1. All requests will be charged at £10.00 as permitted by law, except where this is specifically stated to the contrary where the applicant will be notified of the then applicable cost.

##### D. VALUE ADDED TAX

1. If the requested information is available from another non-Public Authority source than Value Added Tax is chargeable. In all other cases Value Added Tax is **not** chargeable.

##### E. MIXED REQUESTS

1. Requests may be made for access to information under more than one of the above pieces of legislation. Charges will be raised as applicable for each applicable piece of legislation.