

Durham County Council Fees Guidance for access to information.

The information set out below details our charges for providing information under the following access to information regimes: Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 2018. The Freedom of Information (Appropriate Limit and Fees) Regulations 2004 sets out the fees that public authorities are permitted to charge for complying with requests for information.

There is no charge for submitting an FOI/EIR request. However, in some cases, we may have to charge a fee to cover the costs of providing the information. For example, where there are administrative or photocopying costs or for postage and packaging. If a charge is required, the cost will be in line with the published list of fees set out in this document. These will be published as part of our fees and charges policy.

We do not charge for processing requests under the Freedom of Information Act 2000, providing that the cost of processing does not exceed the statutory limit of £450. This allows for 18 hours (two and-a-half-days) of officer time, at a rate of £25 per hour. When estimating how long it will take to process a request, we take into account the time it will take us to locate, retrieve and extract the information requested; the cost of communicating that information to you and staff time spent on carrying out the activities related to supplying the information. We reserve the right to refuse a request where the estimated cost of processing exceeds £450. However, before refusing a request on this basis, we will always work with you to look at other ways of providing the information so that your request does not exceed the statutory limit. Where we agree to process a request which exceeds the statutory limit of £450, you will be asked to pay our processing costs at a rate of £25 per hour.

Making information available

The council receives many requests for information from a variety of organisations, businesses and individuals. We recognise that by making our information accessible it can help users of its services make better informed decisions and more soundly based future plans. Our general approach is to progressively publish our information in ways which are helpful to users and meet the council's statutory duties.

There is no charge for...

- Environmental information available on our website. (unless there are other charging arrangements such as relating to Copyright or Land Charges)
- Inspecting public registers or examining information at our offices.
- Copies of many (though not all) of our publications (eg leaflets, reports) which contain environmental information.

Where we are required by other legislation to provide information in a particular form or language at no additional cost, we would accordingly make no charge for providing the information in this way.

Concessions

In addition, the council reserves the right to waive all or part of a charge for information where we believe this will help the local community obtain the information it needs; for example, educational uses, disadvantaged users of the councils services, and projects being carried out by other organisations to the benefit of the county.

Where we do charge

Unlike FOIA, under the EIR we are allowed to make a charge of a “reasonable amount”.

The ‘preparation costs’ are these costs which result to us from:

- Determining whether we hold the information requested by you.
- Locating and retrieving the information.
- Extracting the information from a document containing it and including the time taken to summarise information, or to edit information.

The council charges a rate of £25 an hour for this, but the first 3 hours of such work (ie £75) is free. However, if the time it takes to perform this work exceeds 3 hours, we would charge the first 3 hours of work.

What are our charges for disbursement costs?

The ‘disbursement costs’ are the costs associated with communicating the information to you under the three access to information regimes (FOI, EIR or the DPA). These charges include printing out or photocopying the information, or transferring the information to whatever format is requested, and of sending it to you. These charges (including postage and packing) for various ways of communicating the information to you are as follows:

Costs

Photocopying Cost

A4 1 sided black and white 10p

A4 2 sided black and white 15p

A4 1 sided colour 15p

A4 2 sided colour 25p

A3 1 sided black and white 20p

A3 2 sided black and white 30p

A3 1 sided colour 30p

A3 2 sided colour 50p

Audio Visual (price in £ per unit including protective cover)

Format

CD 1.50

DVD 2.00

Photographs (price in £ per photograph)

All sizes: Actual cost of reproduction

Email (including scanned images)

Free of charge

Postage

Costs are dependent upon weight and size and based upon Royal Mail Standard second class postage. Where information is requested to be sent by 'Signed For' and 'Special Delivery', these additional costs are to be met by the applicant.

Notifying Charges

Where charges apply under the EIR, the Council will notify the applicant of the charge before carrying out any work. The payment is required before it will compile and supply the information. Where disbursement charges apply under FOI and DPA, the Council will require payment before supplying information. If a charge is not paid within the specified time limit of 30 calendar days, the information will not be supplied.

Payment

If we consider that a charge is appropriate, we will notify you in a Fees Notice. In most circumstances we are required to comply with your request for information within 20 working days from the first working day following receipt of your request. However, the time which passes from the day we issue a Fees Notice to the day we receive your payment is not counted towards the 20 working days. The remaining number of working days in which to fulfil your request is therefore calculated from the first working day after we receive your payment. If after 30 calendar days we have not received payment from you, then your request lapses.

Refusing a Request for Environmental Information

An EIR request cannot be refused on grounds of cost alone. In rare cases, we may refuse a request where the cost of processing is unreasonable. For example, where processing would place an unreasonable burden upon the Council, either in terms of officer time or the costs of reproducing the information sought. However, we will never refuse a request on this basis without first working with you to see what information can be provided within reasonable limits. In determining if the cost of processing your request is unreasonable, we may have regard to the statutory limit for processing requests under the Freedom of Information Act 2000. This means that if we estimate that the cost of processing your request exceeds £450, then we reserve the right to refuse your request. This allows for 18 hours (two and-a-half-days) of officer time at a rate of £25 per hour. When estimating how long it will take to process a request, we take into account the time it will take us to locate, retrieve and extract the information requested; the cost of communicating that information to you and staff time spent on carrying out the activities related to supplying the information.

Data Protection Act (Subject Access Requests)

Under the Data Protection Act (2018) an individual requesting their personal information can do so free of charge. These requests for information are referred to as Subject Access Requests.

Details about how to make a Subject Access Request are available on our website.

Where disbursement costs apply, we will inform you of the costs and discuss ways in which the information can be provided electronically.

Advance Payment

An advance payment is required under EIR. Under the FOI and the DPA it will be levied in limited circumstances such as when the Council may have to incur additional costs that may be excessive.

Each application is considered on its own individual merits.

Waiver of Costs

In exceptional cases we may waive the charges of producing information. Each application would be considered on its own individual merits.

Inspection

There is no charge for examination of any document at the Council Offices including accessing the public registers or lists of environmental information. This is up to the point of examination and includes note taking of information by the applicant but does not include photocopies of documents which would be chargeable.

The time to determine whether we hold the information you wish to inspect, locate it, and retrieve will incur a possible charge in line with the policy.

Aggregation of Requests

If the Council receives two or more similar requests from the same person, or from different persons who appear to be acting in concert or in pursuance of a campaign within 60 days, then those requests will be aggregated for the purposes of estimating costs.

VAT

If the requested information is only available from the public authority, any charges incurred would not attract VAT. However, if the requested information is available from another source that is not a public authority, then VAT may be added to the fee.

Copyright

None of the access to information regimes, give you a right to re-use the information or publication in a way that would infringe copyright. Once you receive copyrighted information you are required to respect copyright in regard to making copies, publishing and issuing copies to the public or any other person. Brief extracts may be reproduced under the fair dealing provisions of the Copyright, Designs and Patents Act 1988 (section 29 and 30) for

the purposes of research for non-commercial purposes, private study, criticism, review and news reporting, subject to an acknowledgement of the copyright owner.

Complaints

Any complaints regarding the fees and charges will be dealt with through the Council's Complaints Procedure.

How the impact of the policy will be measured

The Council will assess the charging policy's impact by measuring how much work it requires as well as how much of its costs have been recouped. Each service will keep a record of the number of hours spent on requests where a charge is made in order to ensure consistency and for audit purposes. In particular we will monitor the following.

- The volume of EIR requests received once charging policy introduced
- The number of EIR requests "withdrawn" once charges requested
- Costs recouped by the Council as a result of this policy
- Staff time spent on EIR requests once charging policy introduced

The information on these indicators will be collected by the services and reported to and collated by the Information Management Team. The impact will be used to inform any review of the charging scheme.

Review of Policy

The fees and charges set out in this Policy will be reviewed annually.

Equalities

In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to help if you have a disability that prevents you from making use of our services. We can also help, if English is not your first language. If you need any support in accessing our services, please let us know as soon as possible. If you require information in an alternative format, there will be no charge for the cost of providing the information.