

Freedom of Information Act 2000.

Appendix 4 Charging

Note: This Appendix is based on the guidance from the DfES and the Department for Constitutional Affairs. A summary of the DCA guidance can be found at: www.dca.gov.uk/foi/feeguidesum.htm

Important: Different charges apply for requests under the Data Protection Act

May I charge a fee?

FOI does not require charges to be made but schools have discretion to charge applicants a fee in accordance with the Fees Regulations (fees Regulations on the DCA website www.dca.gov.uk/foi/secleg.htm)

What steps should we take in considering whether to charge?

Step 1. Is the information exempt for the purposes of the FOI Act?

If information is exempt, then fees do not apply. You may not know if information is exempt until it has been located and checked. However, there are many instances, for example information in your publication scheme, when it is automatically exempt. If you wish to charge for information in your publication scheme, this should be made clear in the scheme itself. The school would need to contact the enquirer to inform them that the information is exempt, and how to obtain it.

Step 2. Do you wish to calculate whether the cost of the request would exceed the appropriate limit (currently £450)?

In many cases, it will be obvious that the request would cost less than the appropriate limit, so there would be little point in making the calculation.

Step 3. Calculate the appropriate limit

Staff costs are calculated at £25 per hour. When calculating whether the limit is exceeded, schools can take account of the costs of determining whether the information is held, locating and retrieving the information, and extracting the information from other documents. They cannot take account of the costs involved with considering whether information is exempt under the Act.

Step 4. Requests costing less than the limit

If a request would cost less than the limit, schools can only charge for the cost of informing the applicant whether the information is held, and communicating the information to the applicant (e.g. photocopying, printing and postage costs)

Step 5. Requests exceeding the limit

If a request would cost more than the limit, the school can turn the request down, answer and charge a fee, or answer and waive the fee.

If you choose to comply with a request where the estimated cost exceeds the threshold you should calculate the charge as outlined in Step 3, plus the costs of informing the applicant whether the information is held, and communicating the information to them (e. printing and postage costs)

Step 6. For all requests, schools should have regard to the following two points:

- The duty to provide advice and assistance to applicants. If planning to turn down a request for cost reasons, or charge a high fee, you should contact the applicant in advance to discuss whether they would prefer the scope of the request to be modified so that, for example, it would cost less than the appropriate limit.
- Maximum amount that can be charged. The Regulations set out the maximum amount that can be charged. However there is nothing to stop schools charging a lesser or no fee. Governing bodies should develop a consistent policy on charging.

May I aggregate the costs where there are multiple requests?

Where two or more requests are made to the school by different people who appear to be acting together or as part of a campaign the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with them all, provided that:

- (a) the two or more requests referred to in that section are for information which is on the same subject matter or is otherwise related;
- (b) the last of the requests is received by the school before the twentieth working day following the date of receipt of the first of the requests; and
- (c) it appears to the school that the requests have been made in an attempt to ensure that the prescribed costs of complying separately with each request would not exceed the appropriate limit.

If you get multiple requests for the same information, it is good practice to include the information in your publication scheme.

How do I inform the applicant of the fee?

1. Where you intend to charge a fee for complying with a request for information then the school must give the person requesting the information notice in writing (the “fees notice”) stating that a fee of the amount specified in the notice is to be charged for complying.

2. Where a fees notice has been given to the person making the request, you do not need to comply with the request unless the fee is paid within three months of the notice being received.