



Rossett School
Success for everyone

Charging Policy: Freedom of Information Requests

Our Commitment

The school is committed to making the maximum amount of information readily available at the minimum cost to the public.

Rossett School proactively uses its website to produce and publish as a matter of routine, information that can be easily identified and accessed by members of the public. Material published and accessed on our website is provided free of charge.

When charges are made by the school for information requests these will be transparent and kept to a minimum. In such an event, a Fee Notice will be issued and will require payment prior to the provision of the information.

Scope of policy

This policy applies to the levying of fees and charges in relation to information access requests received by the school falling under:

- The Data Protection Act 1998
- The Freedom of Information Act 2000 (FOIA)
- The Environmental Information Regulations 2004 (EIRs)

Legal background for charges

Under Section 12 of the Freedom of Information Act a public body is not obliged to comply with a request for information if it estimates that the cost of complying with the request would exceed the "appropriate limit" prescribed in the regulations. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, identify the "appropriate limit" of fees and charges the school is permitted to levy in response to requests made under Freedom of Information. This also applies to requests for "unstructured" personal information under Section 9A of the Data Protection Act 1998 (inserted by section 69 of FOIA).

Under Regulation 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the "appropriate limit" is set at £450 for Local Authorities. Rossett School falls under this category.

There is no "appropriate limit" to the cost of complying with requests for environmental information. However, Regulation 8 of the Environmental Information Regulations 2004, provides for the recovery of "reasonable" costs.

Fees for work undertaken

This is calculated on a standard rate of **£25 per hour** based on estimating the staff time taken to:

- Determine if the information is held
- Locate the information or a document which may contain the information
- Retrieve the information, or a document, which may contain the information
- Edit or extract the information contained within a document

This calculation does not take into account the additional time spent/costs of:

- Checking that a request for information meets the requirements of FOIA
- Considering the application of exemptions; prejudice and/or public interest tests
- Obtaining internal or external legal advice
- Consulting with third parties and obtaining authorization to send out information

Under both FOIA and EIR, the actual costs of communicating information released to the applicant are recoverable. This includes the cost of printing, photocopying, postage and/or supplying the information in a particular form.

Estimating the cost of an information request

1. FOIA information requests

The Freedom of Information Act is intended to build on existing access channels rather than replace existing communication routes. Therefore if information is reasonably accessible to applicants through other means, such as through other legislation or the school's publications, website and public documents, it is exempt from FOIA. The school will therefore refer such requests to the appropriate pre-existing information source.

For information that is not otherwise accessible, if it is estimated that a request will take less than one hour to complete and there is no reason to withhold the information, the request will be dealt with free of charges for staff time. Disbursement costs may apply – see below.

If it is estimated that such a request will take more than 18 work hours to complete the school is not obliged to comply with the request and will normally turn down requests exceeding this limit.

2. EIR information requests

Environmental information will be available for examination on school premises free of charge. If the applicant requests copies of the information, staff time, photocopying and disbursement costs will apply as below.

Time limits and charging

If disbursement costs apply for responding to an FOI or EIR request under the 'appropriate limit' an estimated Fees Notice will be issued. The Fees Notice will usually be issued before any costs are incurred in preparing to answer the request and is payable in advance.

Once the Fees Notice has been issued the applicant has three months to pay the charge. The request lapses after 3 months if the charge remains unpaid. Only when payment has been received and has cleared will the work begin on collating the information.

Aggregating requests

The FOIA Fees Regulations provide for the costs of answering more than one request to be added together or aggregated for the purposes of estimating whether the 'appropriate limit' would be exceeded in relation to any one of the requests.

This provision is designed to prevent individuals or organisations undermining the 'appropriate limit' by splitting a request into smaller parts.

School will consider refusing requests if it has grounds to believe that such requests have been framed to frustrate the cost limit.

Repetitious/vexatious requests

The school will consider refusing to answer information requests if it feels there are grounds that they are repetitious or vexatious.

Validation of the requesting party identity

In order to ensure that Rossett School adheres to the requirements of the Freedom of Information Act when handling requests it may require requesters to confirm their identity. Particularly, but not solely where the school believes a pseudonym is being used or vexatious claim is being made.

Postage and printing costs

Applicants will be expected to meet the postage costs. The cost of an A4 photocopy or printed sheet will be charged at 10p for black & white and 50p colour per A4 sheet and postal costs will be based on current Royal Mail charges.

Irrespective of whether the request is below or above the 'appropriate limit', disbursements will normally be charged where the estimated photocopying cost exceeds the cost of five A4 black & white photocopies, or one A4 colour photocopy.

Other costs

The school is committed to the use of electronic means to provide information that has been requested, and will encourage and advocate the use of these means in all appropriate cases, subject always to the stated preference of the applicant. Normally information supplied electronically will not involve a disbursement cost unless hard copy information has been specifically converted for this purpose.

Other costs incurred as a result of communicating information in a way requested by the applicant will be payable. This includes but is not limited to requests to supply information on CD ROM or in a language other than English.

Review of charging policy

This policy will be reviewed every two years or when there is a change in the relevant legislation.