



The Vale of Glamorgan

Council

Access to Information

Charging Policy & Procedures

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**September 2018**

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# Access to Information Charging Policy

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## Policy Statement

The Vale of Glamorgan Council ('the Council') believes that public access to its information improves understanding and strengthens confidence in the work it undertakes. The Council strongly encourages a culture of openness and accountability within the organisation and aims to release as much information as possible both routinely and in response to requests for information.

A lot of information the Council has is already available free of charge and can be found on the Council's website. The website can be accessed via libraries within the Vale of Glamorgan.

The Council will:

- Provide individuals access to their own personal data free of charge, in accordance with the General Data Protection Regulations (GDPR) and Data Protection laws unless such requests are manifestly unfounded or excessive;
- Provide access to the information it holds under the Freedom of Information Act (FOIA) free of charge up to the statutory limit of 18 hours unless an exemption applies. However disbursement costs will be charged where appropriate, see paragraph 4 below for further details;
- Provide access to Environmental Information in accordance with the Environmental Information Regulations 2004 (EIR) on request. There will be a charge for this unless an exception applies.

This document describes what the Council will charge for in respect of information that is provided under the GDPR and Data Protection laws, the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and other relevant legislation as in force from time to time.

Further information and meaning of these different types of requests can be found in Appendix A. It is for the Council to determine which regime is applicable to a request in accordance with the statutory schemes.

## Policy Aim

This policy aims to ensure that the Council operates a consistent and fair approach for access to information and charging for the same.

Public Authorities are allowed to make charges for answering requests for information in certain cases. This policy sets out:

- when the Vale of Glamorgan Council will charge
- how the charge will be calculated
- the procedures that will be followed.

This policy does not apply to information which is otherwise available under specific statutory schemes or where it is freely available and in the public domain already.

### **Scope of Policy**

In addition to those requesting information, this Policy is for the use of all staff within the Council when determining the appropriate charge in providing information.

It also applies to employees and agents of other organisations when they are acting as agents of the Council.

### **1. Request for Personal Information**

If a request is for personal information there will be no charge for dealing with such a request unless it is considered to be manifestly unfounded or excessive. If staff consider that a request is manifestly unfounded or excessive guidance is to be sought from the Information Management Unit. In such circumstances and in accordance with the statutory scheme the Council will decline to act on the request. In such cases staff will notify the requester of the position and discuss with the requester ways of refining the request to a manageable level where possible.

### **2. Request for Information under the Freedom of Information Act**

If a request for information falls under the Freedom of Information Act, there will be no charge for this information apart from disbursements. However if it is estimated that the time taken as calculated below will exceed the statutory time limit of 18 hours, the Council will not provide this information as it considers that the resources involved in doing so will lead to such a diversion from its normal business activities which cannot be justified.

In such cases staff will notify the requester of the position and discuss with the requester ways of refining the request to a manageable level where possible.

The 18 hours is calculated by an assessment of the cumulative time that staff would take in undertaking the following activities:

- determining whether the information is held;
- locating the requested information or records containing the information;
- retrieving the information or records, and
- extracting the requested information from records.

When calculating the time taken for dealing with a request, staff are to aggregate (total) the time taken in respect of all related requests received within 60 working days from the same person or from people who seem to be working together.

The applicant will be notified of any disbursement costs as soon as possible no information will be provided until the costs are paid.

### **3. Request for Information under the Environmental Information Regulations**

The Council can apply a reasonable charge for supplying environmental information to cover the Council's costs in providing the information, and can charge for disbursement costs.

The Council will charge a standard cost of £25 per hour for dealing with all requests for environmental information.

The costs will be calculated on the time spent by staff in:

- Locating;
- Retrieving; and
- Extracting the information requested
- Plus putting the information into the required format.

Costs are not to include the establishment and maintenance of registers and lists of environmental information held and facilities for the examination of that information.

Staff will issue notification before the request is answered, giving an estimate of the costs involved and asking if the requester still wishes to proceed with the request for information in light of the charge, an example notice is at Appendix C.

EIR requests will not be processed unless payment of the Council's costs in line with the notice are received. If payment is not received within 3 calendar months of the date of the notice it will be assumed that the requester does not wish to proceed with the request and no further action will be taken by the Council.

The Council will publish a schedule of charges for specific environmental information services provided and information for which a standard fee is payable.

If you request information and you are unable to pay the charge, you may apply to the Information Manager (Lawyer) for exemption or a modified rate. This will be determined on a case by case basis taking into account the economic situation of the person requesting the information and any undue hardship on them and the public interest in the protection of the environment.

#### **4. Disbursements**

The Council will charge for disbursements in relation to the FOI and EIR requests.

Disbursement costs include:

- i. Photocopying or printing material as per Appendix B;
- ii. Postage as per the cost at the time of the request;
- iii. Producing material in an alternative format at the request of the applicant.

A fuller list of these charges/disbursements are outlined in Appendix B

#### **5. Copyright and Patents**

Some of the information supplied by the Council may be subject to copyright protection under the Copyright, Designs and Patents Law. Where this is the case, the requester will need to be mindful of these obligations.

## Policy Review

### **Review of Policy**

The Council is committed to complying with its duty to provide access to information.

This policy will be reviewed regularly to ensure that it remains up to date, effective and takes account of emerging good practice.



## Appendix A – Freedom of Information Act, Environmental Information Regulations and General Data Protection Regulations

### **What are the General Data Protection Regulations, Data Protection and Personal Information?**

The General Data Protection Regulations (GDPR) are a legal framework that sets guidelines for the collection and processing of personal information of individuals within the European Union (EU). These regulations are applied in the UK via the Data Protection Act. Under these laws individuals are entitled to make requests to access their personal data as held by organisations to which the law applies. This is commonly referred to as a subject access request. You can make a subject access request verbally or in writing. The Council ordinarily has one month to respond to such a request however this may be extended to 3 months.

Personal data is information that relates to an identified or identifiable individual.

What identifies an individual could be as simple as a name or a number or could include other identifiers such as an IP address or a cookie identifier, or other factors.

## **What is the Freedom of Information Act?**

The Freedom of Information Act 2000 provides public access to information held by Public Authorities.

It does this in two ways:

- Public Authorities are obliged to publish certain information about their activities; and
- Members of the public are entitled to request information from Public Authorities.

The Act covers any recorded information that is held by a Public Authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland.

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

The Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a subject access request under the General Data Protection Regulations.

## **What is Environmental Information?**

The Environmental Information Regulations 2004 provide access to all information regarding the local environment held by the Council.

The definition of environmental information is very broad and includes information on:

- the state of the elements of the environment, such as air, water, soil, land, landscape and natural sites, flora and fauna;
- the state of human health and safety, conditions of human life, the food chain, cultural sites and built structures in as much as they are or may be affected by the state of the elements of the environment;
- factors affecting the environment, such as substances, energy, noise, radiation or waste;
- measures and activities affecting, or intended to protect, the state of the elements, such as policies, legislation, plans, programmes and environmental agreements;
- emissions, discharges and other releases into the environment;
- cost benefit and other economic analysis used in environmental decision-making.

## Appendix B – Disbursement Charges

- Photocopying costs will be charged in line with the below:

<b>Photocopy type</b>	<b>Cost per sheet</b>
A4 black and white	2p
A4 colour	4p
A3 black and white	7p
A3 colour	7p
A2 black and white	7p
A2 colour	7p
A1 black and white	7p
A1 colour	7p
A0 black and white	7p
A0 colour	7p

- Full postage costs will be charged. Documents will be sent by second class mail unless specified or requested otherwise.
- Actual costs incurred when providing information in other formats, e.g. CDs, floppy discs, audio or video cassettes. An indication of the cost will be provided in advance of these formats being used.

## Appendix C – Notification of Council Charges for dealing with an EIR request

NAME  
ADDRESS  
ADDRESS  
ADDRESS  
POST CODE

REF  
DATE

Dear NAME,

I am writing regarding your request for information, which was received on [date]. In this case, a fee is payable to the Council before the Council can provide you with the information. This fee of £XX.XX covers the costs of [i.e. photocopying, printing, transferring to CD-ROM, posting to applicant; and locating, retrieving and extracting the information plus putting it into the required format] and has been calculated in accordance with the relevant legislation.

We are unable to continue processing your request until this fee is paid. If you wish to continue with your request you should pay the fee requested within three calendar months (by [date]). Payments are to be made payable to the Vale of Glamorgan Council and sent to the address at the foot of this letter marked for the attention of the Information Manager(Lawyer). If payment of the fee is not received by this date, it will be assumed you do not wish to pursue this request and the request will be closed. If you change your mind or wish to proceed at a later date you will need to make a new request.

If you have any queries about this notification, please contact the Information Manager (Lawyer) on the contact details set out below. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request and/or wish to make a complaint and/ or request a review of the decision, you should write to the Monitoring Officer, Legal Services, Civic Offices, Holton Road, Barry, Vale of Glamorgan, CF63 4RU.

If subsequently you are not satisfied with the outcome of your complaint, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Vale of Glamorgan

Council, (in other words unless you have raised your concern with the Monitoring Officer and received a reply). The ICO can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

[Name of Issuing Officer]  
[Job Title]

The Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
CF63 4RU