



Charging Policy for requests falling under the Data Protection Act, the Freedom of Information Act, the University's Publication Scheme, and the Environmental Information Regulations

1. Preamble

This Policy has been set taking into account the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (as amended by the Data Protection Act 2018), the Freedom of Information (Release of Datasets for Re-use) (Fees) Regulations 2013 and relevant guidance provided by the Information Commissioner's Office (ICO).

Technical guidance included below at Sections 3-5 and Appendix B of this policy consists of extracts from guidance provided in the following ICO documents, summarised or adapted where appropriate:

- Fees that may be charged when the cost of compliance exceeds the appropriate limit. Freedom of Information Act (20151023 Version: 2.2)
- Charging for environmental information (regulation 8). Environmental Information Regulations (20160304 Version: 1.5)
- Datasets (regulations 11, 19 & 45). Freedom of Information Act (20151023 Version: 1.1)

Further guidance is available on the website of the Information Commissioner's Office at www.ico.gov.uk.

2. Data Protection Act 2018

Where the information requested is personal information and the applicant is the subject of the information, access to the information is dealt with under the Data Protection Act 2018, which implements the General Data Protection Regulation (GDPR) and replaces the UK Data Protection Act 1998.

Staff, students and other users of the University have the right to access any personal data that is being kept about them either on computer or in certain files. Information provided shall be free of charge. However where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the University may either: (a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or (b) refuse to act on the request. Reasonable fees may also be charged for the provision of further copies.

3. Freedom of Information Act 2000

The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities. Section 9 of the FOIA allows a public authority to charge a fee for providing information in response to a request. Such a fee must be determined in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Fees Regulations) (as amended by the Data Protection Act 2018).

3.1 The “appropriate limit”

Section 12 of the FOIA allows public authorities to refuse to answer requests for information if the cost of complying would exceed the 'appropriate limit' stated in the Fees Regulations. The appropriate limit applicable in the case of the University is £450.

In estimating whether the cost of complying with the request would exceed the appropriate limit, Regulation 4 (3) of the Fee Regulations states that the University can only take into account the costs it reasonably expects to incur in:

- determining whether it holds the information;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

The University may take into account the costs attributable to the time that staff or external contractors would be expected to spend on the above activities on behalf of the University. In order to achieve consistency, all public authorities use the same hourly rate when estimating staff-time costs, regardless of the actual costs. The hourly rate is set at £25 per person per hour by Regulation 4(4) of the Fees Regulations, which means that the appropriate limit will be exceeded if these activities exceed 18 hours.

3.2 What happens if the “appropriate limit” is exceeded?

The University has no obligation to comply with a request where it estimates that the appropriate limit will be exceeded. Where the University refuses a request, it will, however, provide the applicant with advice as to how the request could be refined or limited to come within the cost limit. If the University chooses to comply with the request, the charges at Appendix B to the policy will apply.

3.3 What happens if the “appropriate limit” is not exceeded?

Where the cost of compliance does not exceed the appropriate limit, the request must be complied with and the information disclosed, unless it falls within an exemption specified in the FOIA.

Regulation 6 of the Fees Regulations sets out the activities that can be charged for in complying with a request. It should be noted that these differ from the activities used in calculating the estimate of whether the appropriate limit has been reached (see 3.1 above).

The costs the University is permitted to charge under Regulation 6 of the Fees Regulations when complying with a request are referred to as ‘communication costs’ and are limited to expenses actually incurred. This means that the University can recover the reasonable costs incurred in:

- contacting the applicant to inform them the information is held, and
- communicating the information to the applicant e.g.
 - reproducing any document containing the information ;
 - postage and other forms of transmitting the information; and
 - complying, where this is reasonably practicable, where the applicant has expressed a preference for a particular means of communication.

The University may not, however, charge for the cost of staff time taken to carry out these activities

See Appendix A for details of applicable charges under the University’s Charging Policy.

3.4 Aggregation of costs

The Fees Regulations state that two or more requests for information can be aggregated by the University for the purposes of calculating costs if they are:

- by one person, or by different persons who appear to the University to be acting in concert or in pursuance of a campaign;
- for the same or similar information; and
- the subsequent request is received by the University within 60 working days of the previous request.

The intention of this provision is to prevent individuals or organisations evading the “appropriate limit” by dividing a request into smaller parts.

4. University Publication Scheme

The University’s Publication Scheme conforms to the ICO’s model scheme and provides a list of the information routinely published by the University. The ICO’s model publication scheme allows for fees to be charged where they can be justified, where they are published, and where the basis for the charge is made clear.

Information requested under the University’s Publication Scheme will normally be provided free of charge but the charges set out in Appendix A to this Policy may apply where the material requested has to be printed or copied specifically for the applicant or where information is requested in an alternative format. Where a charge is made, however, it will not exceed the total costs of printing, copying, and postage.

5. Publication Scheme: charging for re-use of datasets

Under section 19(2A) of the FOIA, the University’s publication scheme must include a requirement to publish any dataset that has been requested, and any updated version that it holds, unless it is satisfied that it is not appropriate to publish it. The University is required to publish the dataset in a re-usable form, where reasonably practicable.

If the information in the dataset is a relevant copyright work of which the University is the only owner, then the University is required to make it available for re-use under the terms of a specified licence. The University may charge a fee for allowing re-use of a dataset. If the University has a power to do this under an enactment other than FOIA, it may charge under that power. If not, the Freedom of Information (Release of Datasets for Re-use) (Fees) Regulations 2013 applies and states that the total fee ‘shall not exceed the sum of (a) the cost of collection, production, reproduction and dissemination of the relevant copyright work, and (b) a reasonable return on investment’. The applicant will be informed of the expected fee on application. The University will specify in writing the factors that will be taken into account in determining the fee, if requested to do so by the applicant.

The fee for allowing the re-use of a dataset is in addition to any charges for making the information available.

6. Environmental Information Regulations 2004

Section 39 of the Freedom of Information Act 2000 exempts environmental information from being dealt with under the Freedom of Information Act. Such requests should instead be dealt with under the Environmental Information Regulations 2004 (as amended by the Data Protection Act 2018).

See Appendix A for details of applicable charges under the University’s Charging Policy. It should be noted that the University cannot charge an applicant to inspect information ‘on site’ or for providing access to any registers or lists of environmental information.

7. Reviewing the Policy

This policy will be reviewed every 3 years by the Vice-Chancellor.

Appendix A

The following charges are applicable where information is requested under:

- The Freedom of Information Act 2000 and the total cost of complying with the request is under the “appropriate limit” (currently £450)
- The Environmental Information Regulations (EIR) 2004 (as amended by the Data Protection Act 2018)
- The Freedom of Information (Release of Datasets for Re-use) (Fees) Regulations 2013

Information requested under the University’s Publication Scheme will normally be free of charge but the following charges may apply where the material requested has to be printed or copied specifically for the applicant or where it is requested in an alternative format.

Electronic copies:	
Where a document can be accessed via a website or is in an electronic format and can be sent as an e-mail attachment	No charge
Photocopies or computer printout:	
A4 Black and White A3 Black and White A4 Colour A3 Colour	5p per printed side 5p per printed side 10p per printed side 10p per printed side
Other formats:	Where the cost of providing the information in another format is reasonably practicable, the cost of transferring the information to the requested format
Postage:	At relevant Royal Mail rates
Viewing information on site:	No charge
Access to registers or lists of environmental information:	No charge where the request is made under the Environmental Information Regulations 2004.
Application for re-use of datasets	The applicant will be informed of the expected fee on application.

Where the University determines that a charge applies, the University will inform the applicant of the charge and that payment must be made in full before the information can be sent to them.

The University may waive the charges shown in the above table at its discretion. The

University will normally consider waiving the charges shown in the above table in the following cases:

- where the total cost of responding to a single request is less than £10.00,
- in responding to a single request from a disabled applicant who has requested information in an alternative format solely for a reason connected with their disability.

Appendix B

The maximum fee that the University can charge for a request under the Freedom of Information Act where the appropriate limit of £450 is exceeded is described in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (as amended by the Data Protection Act 2018), and is the sum of:

- the costs which the University may take into account in calculating that the appropriate limit has been exceeded (see 3.1 above);
- the communication costs (see 3.3 above); and
- staff time, at £25 per hour per person, spent on the activities included under communication costs.

The cost of copying or printing documents, postage and supplying the information in other formats will be as detailed at Appendix A above.

Appendix C

Related University documents

Data Protection Policy

Publication Scheme

Relevant Legislation

The Data Protection Act 2018

The Freedom of Information Act 2000

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (as amended by the Data Protection Act 2018)

The Environmental Information Regulations 2004 (as amended by the Data Protection Act 2018)

The Freedom of Information (Release of Datasets for Re-use) (Fees) Regulations 2013

Relevant Guidance

Relevant guidance can be found on the website of the Information Commissioner's Office at www.ico.gov.uk

Technical guidance included at sections 3-5 and Appendix B of this policy consists of extracts from relevant regulations and guidance provided in the following ICO documents:

Readers are referred to the full guidance available in these documents.

- Fees that may be charged when the cost of compliance exceeds the appropriate limit. Freedom of Information Act (20151023 Version: 2.2)
- Charging for environmental information (regulation 8). Environmental Information Regulations (20160304 Version: 1.5)
- Datasets (regulations 11, 19 & 45). Freedom of Information Act (20151023 Version: 1.1)

Appendix D

Charging Policy Flowchart

