

Making Requests for Information to Herefordshire Council

Policy on Charging

Introduction

Herefordshire Council is an open and transparent public authority. As such, the Council is committed to proactively publishing information and to providing information on request in accordance with relevant legislation.

There are instances when the Council may refuse a request for information if that information is “exempt”, that is, it falls in to a category of information defined in legislation that may be withheld or refused. Also, the Council, in some cases, can make a charge for the information that is requested.

Herefordshire Council's Charging Policy for Information Requests covers the cases where charges are made for requested information under the following legislation:

The Freedom of Information Act 2000
The Environmental Information Regulations 2004
The Data Protection Act 1998

This policy does not cover specific information which is accessible under more service-based legislation, such as the provision to the public of a statutory register of planning applications under the Town and Country Planning Act 1990.

Also, this policy does not cover information which is accessible already through Herefordshire Council's Publication Scheme. The Publication Scheme lists categories of information published by the Council, with details of how to obtain it. The Publication Scheme can be viewed at any of the Council's libraries or INFO Shops, a list of which appear in Appendix 1, or on the Herefordshire Council web site at:

http://www.herefordshire.gov.uk/docs/FOIA_Publication_Scheme_2006_V3.pdf

If you access information either through service-based legislation or through the Publication Scheme, there may be a charge and/or a cost for supplying the information. The Publication Scheme details where such a charge, if any, is made.

What Regulations does Herefordshire Council follow when making charges for requests for information?

Section 12 of the Freedom of Information Act states that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with a request exceeds the “appropriate limit” set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (SI 2004/3244). Section 9A of the Data Protection Act makes the same provision for requesting personal information which is not held electronically and which is not held in a structured filing system.

The Regulations set the appropriate limit for requests to local authorities as £450, at a standard rate of £25 per hour. This means that Herefordshire Council will refuse a request for information if it estimates that the time taken to determine if the information is held, to locate and retrieve that information, and to extract the releasable information from any exempt information, will exceed 18 hours (£25 per hour for 18 hours being the £450 limit).

If your request exceeds the £450 limit, we will write to inform you of this, and offer advice as to how to revise and resubmit the request where possible, so that some information can be released without exceeding the £450 limit.

If the cost of supplying information that you have requested can be processed within the £450 limit, then the information will not be charged for. The cost of sending the information to you can, however, be charged for. This cost covers all information sent to you, so for example it will include fax cover sheets.

The cost is based on no documents that have been requested being withheld, unless an exemption applies. For example, a copy of an email message plus a copy of a reply that contains the original message will be charged for. This is because the Council is not required to be informed by you under the Freedom of Information Act as to why you want the information, and therefore the Council will not assume what information may not be relevant to you.

Aggregated Requests

The Fees Regulations state that in some cases, the costs of answering more than one request for information can be “aggregated”, or added together, by the Council to estimate if the £450 limit is exceeded.

Requests can be aggregated when two or more requests have been made to Herefordshire Council relating to the same or similar information within the space of 60 consecutive working days. The requests must also be either from the same person, or from different people who appear to be working together in a campaign.

Herefordshire Council may also refuse repetitious or vexatious requests as defined by the Freedom of Information Act (Section 14).

Is there a charge for environmental information?

The Environmental Information Regulations permit a public authority to make a “reasonable fee” for providing environmental information (unless access is being provided to a public register or if the information is examined at the offices of the public authority).

No exception is made for requests that will involve costs in excess of the ‘appropriate limit’ within the meaning of the Fees Regulations. Except in specified circumstances when other organizations are involved, all requests made to Herefordshire Council for environmental information will be dealt with by the Council and any charges imposed will be reasonable.

The charges for environmental information will not exceed the cost of producing the information and in relation to the actual charges; Herefordshire Council will follow the same costs as under the Freedom of Information Act, i.e. £25 per hour for officer time.

Regarding copying costs, any photocopies over the amount of 50 pages will be charged according to the standard charges set out below. Costs of printing, photocopying, postage and supplying the information in a particular format are the same as for Freedom of Information requests set out on page 6.

Is there a charge for personal data requested under the Data Protection Act 1998?

Residents and other service users will frequently reveal personal information about themselves to the Council in order that it can deliver services to them. As a normal part of its everyday activities the Council will usually be happy to confirm the information that it holds about you in connection with any particular transaction, once it has verified your identity. Indeed, we will often do this un-prompted to make sure that the information we have about you is accurate.

However, individuals also have a statutory right under the Data Protection Act 1998 to be told what the Council is doing with any personal information that it holds about them. This right is called "subject access". Subject to certain exemptions you have a right to be told by the Council whether it or someone else on its behalf is processing your personal information, and if so to be given an intelligible description of the personal information, the purposes for which it is being processed and the likely recipients and sources of that personal information. You also have the right to receive a copy of the personal information.

How do I make a Subject Access Request?

Before the Council can process an application for subject access it must verify your identity, because it is very important that it does not reveal personal information about you to anybody else. The Council is also entitled to ask you other questions to help it locate the information it holds about you. The Subject Access Requests Form which you are asked to use is available from Council offices or from the Internet at http://www.herefordshire.gov.uk/council_gov_democracy/FOI/1935.asp

Although any subject access request in writing will be accepted, using the form provided will speed the process.

Once you have completed the form it can be returned in one of two ways:-

- by posting it to the Data Protection Officer at the return address shown on the form;
- by handing it in at the reception point of any of the Council services with which you are dealing
- by handing it in at one of the Info Shops listed in Appendix 1

Taking the Form to one of the Info in Herefordshire Offices or other Council reception point has the advantage that we will be able to verify your identity at the time you hand the Form in. If you choose to hand the Form in you should take a recognised proof of identity with you, such as a passport or driving licence or proof of entitlement to benefit. If you send the form by post we may need to contact you and ask you some further questions to establish that you are who you claim to be.

The fee for making a Subject Access request is £10 and you should enclose a cheque or postal order made out to the Council in that amount with the completed form.

Who can make a Subject Access Request?

You can make a subject access request

- if you are an adult
- if you are a person under 18 years of age and you understand what it means to exercise the right
- you are the person who has parental responsibilities or rights over a child and that
- either the child does not have sufficient understanding of their right or has authorised
- the application
- you are the person who has legal charge of an adult who lacks the capacity to understand their right
- the individual who is the subject of the subject access request has capacity and has
- authorised you to make an application on their behalf

How does Herefordshire Council respond to Subject Access Requests?

We will acknowledge receipt of the Subject Access Request within 10 working days. We will provide the information you seek within forty days of payment of the fee or the provision of the details that we need to complete the search, whichever is the later. If, for any reason, we are unable to provide the information within the forty-day period, we will write to you telling you the reason for the delay and how long it is likely to be.

In general your right of subject access is restricted to information that we hold about you electronically (on computers) and in certain structured manual files. You are not entitled to personal information about other people unless they have given their consent to disclose the information to you or we have concluded that telling you about the information is nevertheless reasonable in the circumstances. There are a limited number of other exemptions to your right to know about information we may hold about you that are designed to protect the public interest.

What charges are made under the Public Sector Information Regulations?

Separate guidance will follow on Herefordshire Council's arrangements to license the re-use of Council information.

What charges can be made for sending you the information?

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 allow the Council to charge for the cost of printing, photocopying, postage and supplying the information in a particular format. These charges are set out below.

1. Paper Copies -
A4 10p per side
A3 20p per side
Paper plans (up to A0) - £5 per side
2. Specialist documents (such as plans with overlays) will be charged at the discretion of the department in question as a result of any discussion with the enquirer.
3. Binding - A4 Ring binders - £2 per binder
4. Packaging - £1 per parcel irrespective of size/weight
5. Postage – At face value
6. Floppy disks (1.4Mb) - 50p per disk
7. CDR s (700Mb) - £1 per CD

Please note:

- £5 is the minimum from which a fee will be charged.
- This scale of fees covers only those sundry costs where information is supplied in accordance with a request for information to be supplied in a form other than simple e-mail reply.
- These fees are designed to recoup any expenditure rather than include any profit element. As such, therefore, they will be uniformly applied throughout the Council.
- These fees do not apply to the provision of information under the terms of the Council's Publication Scheme (where other charges are specified) or where the provision of information is taking place in accordance with any legislation other than the Environmental Information Regulations, the Freedom of Information Act or the Data Protection Act.

How do I make payment of any charges?

Charges can be paid at any of the Council's INFO Shops, which are listed in Appendix 1.

Alternatively, a cheque for the correct amount of money charged and made payable to "Herefordshire Council" should be sent to:

Freedom of Information Compliance Officer
35 Hafod Road
Hereford
HR1 1SH

How do charges affect the time limit for supplying information?

If a charge applies, the fees must be paid in advance. The time limit within which a request must be answered by Herefordshire Council will take this into account, so effectively the number of days taken to answer the request does not include the time from which a charge is made and the time when the charge is paid in full.

If a charge is not paid three months after notification of a charge is sent to the requester, Herefordshire Council will consider the request to be closed and take no further action on it.

Is there a charge for supplying information in formats such as Braille, large print or spoken word?

Under the Disability Discrimination Act 1995, Herefordshire Council will not apply charges when providing information in formats such as Braille, large print, or spoken word. Herefordshire Council reserves the right to communicate the information in the most cost-effective way whilst still meeting the needs of the person making the request.

Is there a charge for supplying information in a language other than English?

Herefordshire Council will not apply charges when providing information in a language other than English, providing that the person making the request provides proof of residency, work or study in Herefordshire. Additional time may be needed to provide this service outside of the usual time limit for answering requests. Herefordshire Council reserves the right to communicate the information in the most cost-effective way whilst still meeting the needs of the person making the request.

What if I cannot afford to pay the charges?

Where possible, if the cost of providing information in a particular way causes genuine financial difficulties for the requester, an alternative will be offered by Herefordshire Council. For example, provision may be made to view information in original paper format at Herefordshire Record office instead of supplying large amounts of photocopies.

Where there is a genuine need for information and genuine financial hardship, Herefordshire Council will consider waiving any charges.

What if I wish to challenge any decision on charges?

If you are unhappy with any charge for an information request or any decision made by Herefordshire Council for refusing your request for information on the grounds that it would exceed the £450 limit, in the first instance, write explaining the nature of your complaint to:

Freedom of Information Compliance Officer
35 Hafod Road
Hereford
HR1 1SH

If you feel that your complaint has still not been resolved, contact the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 700
www.informationcommissioner.gov.uk

Appendix 1: Libraries and INFO Shops in Herefordshire

INFO Shops

Swan House Ede Cross Street Ross-on-Wye Herefordshire HR9 7BZ Tel: 01432 260500	11 Corn Square Leominster Herefordshire HR6 8YP Tel: 01432 260358
The Bromyard Centre Cruxwell Street Bromyard HR7 4EB Tel: 01432 260280	The Hereford Centre Garrick House Widemarsh Street Hereford HR4 9EU Tel: 01432 260500
Info in Herefordshire Help Point St Katherines High Street Ledbury HR8 1EA Tel: 01432 261847	Info in Herefordshire Help Point 64 Bridge Street Kington Herefordshire HR5 2DJ Tel: 01432 260600

You may need to book access to the Internet in advance. Please telephone the INFO Shop to do this and to check their opening hours.

Libraries

<p>The Bromyard Centre Cruxwell Bromyard HR7 4EB Tel: 01432 260280</p>	<p>Colwall Library Humphry Walwyn Library Colwall Malvern WR13 6QT Tel: 01684 540642</p>
<p>Eastholme Community Centre Eastholme Avenue Belmont Hereford. HR2 7QU Tel : 01432 342648</p>	<p>Hereford Library Broad Street Hereford HR4 9AU Tel: 01432 272456</p>
<p>Kington Library 64 Bridge Street Kington HR5 2DJ Tel: 01432 260600</p>	<p>Ledbury Library The Homend Ledbury HR9 1BT Tel: 01531 632133</p>
<p>Leintwardine Library Community Centre High Street Leintwardine Craven Arms SY7 OLZ Tel: 01547 540459</p>	<p>Leominster Library 8 Buttercross Leominster HR6 8BN Tel: 01432 383290</p>
<p>Ross-on-Wye Library Cantilupe Road Ross-on-Wye HR9 7AN Tel: 01432 383280</p>	<p>Weobley Library Old Police Court Black Lane Weobley HR4 8SG Tel: 01544 318956</p>

You may need to book access to the Internet in advance. Please telephone the library to do this and to check their opening hours.