
Our policy on Charging for Information



Our Policy on Charging for Information

This document describes what Essex County Council charges for information that is provided under the Data Protection Act 2018, the Freedom of Information Act 2000, the Environmental Information Regulations 2005, and other relevant legislation.

1. We do not charge for most information.

2. Publications

We charge for priced publications and information provided as part of a priced information service. More information is available in our List of Publications, which is available on the [Essex County Council website](#)

3. Information about yourself

- We do not charge for providing you with information that we hold about you (called a *Subject Access Request*).

4. Information about the environment or matters affecting it

For information that falls under the Environmental Information Regulations, we charge the actual cost of providing information about the environment or about matters which affect the environment but not if the cost is less than £450.

5. All other information

- We do not charge for information falling under the Freedom of Information Act (FOI). However, we charge £25 for supplying it if the actual cost of photocopying, printing, postage, faxing and any other costs of supplying the information to you, including translating the information into another language, is £25 or more. If the cost is less than £25, we will not charge for supplying the information.
- If we estimate that it would cost the Council £450 or more to compile the requested information we will not provide it. This is the 'appropriate limit' under the Fees Regulations which allow us to refuse to fulfil the request. However, we will offer to discuss with you ways to reduce the cost.

6. Calculating the cost of the provision

- For FOI/EIR requests, when estimating the cost, we will include all costs likely to be incurred in:
 - Determining whether we hold the information requested
 - Locating the information or documents containing the information
 - Retrieving such information or documents, and
 - Extracting the information from the document containing it (excluding editing or redacting information)
- We will not include in the calculation the cost of the time we spend removing the information we are entitled to withhold. Additionally, we will not include in the calculation the cost of the time we spend deciding whether or not an exemption applies and if it is in the public interest to disclose information.

7. Payment

- If a charge applies we will tell you the charge before we do any charged work. The charge applies as quoted, even if it later proves to differ from the actual cost of providing the information.
- Where charges apply, we will not do the work unless the payment is received. The requester does not have to pay – they have the choice not to proceed with the request.
- If you do not pay within three months of being notified of the charge, the request will be closed.

If you have a disability which means that you cannot access the information in a form in which it is routinely available then we will supply it in an accessible format at no extra charge if this is a reasonable adjustment in order to make the information accessible to you.

Document description

Title	Our Policy on Charging for Information
Author/Owner	Information Governance
Status	Active
Version	5.4
Date	February 2024
Security classification	Not protectively marked

Appendix A: Schedule of Charges for requests under the Environmental Information Regulations (EIR)

Under EIR a 'reasonable' charge may be made for supplying information. This may include the actual costs of staff time taken to locate information and put it in an appropriate format for release, and the costs in transferring the information to the requestor.

What can be charged?

There are two types of activity under EIR that public authorities can charge for:

- 1) The cost of staff time spent determining, locating, retrieving, and extracting the information;
- 2) The costs incurred when printing or copying the information and sending to the applicant; and

The Council must be able to demonstrate why a charge in a particular case is reasonable. The Council must provide a breakdown of charges so the requestor can understand the basis for the fee.

What cannot be charged for?

The Council cannot charge for:

- 1) The costs of maintaining a register of information or a database;
- 2) Overhead costs (eg wider staff overheads); and
- 3) Staff time spent reviewing and redacting information (although staff time can be taken into account when considering if a request is vexatious or manifestly unreasonable because of an excessive burden on staff resource and time).

In addition, the ICO is clear that requestors should not be unfairly penalised in cases where the authority has failed to keep records in a reasonably accessible state.

Therefore where the Council's systems prevent easy access to information purely because of records management issues, staff should fully consider whether it is reasonable to charge on that basis.

We also cannot charge requestors for inspecting the information or accessing public registers or lists of environmental information.

If you wish to view information at the Council's offices then the Council will charge the costs of locating the information and collating it in order to make it available for inspection but will not charge for viewing the information. A charge made for locating and collating information to be inspected must be 'reasonable.'

If the information is held in a system that allows for straightforward public access it is unlikely that a charge is reasonable. If a requestor asks for inspection of material that would require a significant cost to prepare for inspection, the EIR allows the authority to make a charge.

Schedule of Charges

Public authorities must have a published schedule of charges in order to be able to charge applicants for environmental information. Currently the Council uses the following rates:

Our Policy on Charging for Information

- 10p per A4 sheet (for photocopying charges)
- Recovery of the cost paid by the Council for removable media such as USB memory sticks/ CDs etc. (to be detailed in the cost estimate where the applicant has specified a preference).
- We will charge for all the chargeable time spent on complying with the request at the hourly rate of £25. This is the standard hourly rate used for calculating employee time from the Fees Regulations.

Charging Threshold

ECC will only charge for EIR requests where the time taken to comply with the request is estimated to exceed 18 hours. As stated above, Council employees must use the above schedule of costs to estimate how long it will take to comply with a request. If complying with a request will exceed the 18 hours threshold, the requestor will be charged for the total number of hours it takes to complete the request. For example, if it is estimated that complying with a request will take 20 hours, the requestor will be charged for 20 hours, not just for the 2 hours that exceeds the threshold.

‘Manifestly Unreasonable’

Where it is estimated that complying with a request will exceed 18 hours, ECC will also consider whether the request is manifestly unreasonable under Regulation 12(4)(b) of EIR, and will use existing procedures for doing so; including extending the deadline by up to an additional 20 working days, applying the Public Interest Test and providing advice and assistance to the requestor in order see if it is possible for them to reduce the scope of their request.

All requests will be considered individually as to whether they are ‘unreasonable.’ Not all requests which take more than 18 hours to respond to will automatically be refused as manifestly unreasonable.