



Charging for Access to Information Policy

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DOCUMENT CONTROL

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1.1		JR	JR	Internally reviewed and circulated
1.2	27/03/2020	MAH	Exec	Updated to reflect the GDPR changes to Data Subjects Access fees and to cover Environmental Information Regulations.
1.3	01/02/2021	MAH	JR	References to GDPR replaced with UK GDPR

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1. Introduction

- 1.1. The Commissioner¹ may make charges for providing copies of certain types of information within the Freedom of Information Act 2000 and the Environmental Information Regulations in limited circumstances under the General Data Protection Regulations. This policy sets out what the Commissioner will ask you to pay a fee for.

2. Information in the Commissioner's Publication Scheme

- 2.1. The Commissioner has a publication scheme which sets out the classes of information which we routinely publish.
- 2.2. Most of the information in the publication scheme is on our website at www.westyorkshire-pcc.gov.uk. You can access information on this website without charge (although you will have to pay any charges made by our internet service provider etc.).
- 2.3. If you do not have access to the internet or if you would prefer to have a hard copy you can ask us to send you the information that you need. We will not charge you for posting a single copy of the information. If you wish to have, more than one copy sent to you we will ask you to pay the photocopying and postage costs we will incur. We will let you know the cost when we receive your request and we will ask you to pay the charge in advance.

3. Other Information (Not In The Publication Scheme)

- 3.1. The Freedom of Information Act has set an 'appropriate limit' of £450 for the costs of the Commissioner complying with requests for information.
- 3.2. Where the cost of complying with your request for information is estimated to exceed £450 Section 12 of the Freedom of Information Act states that the Commissioner is not obliged to comply with your request.
- 3.3. When estimating the likely cost of complying with a request the Commissioner will take account of staff time in deciding if the information is held, locating the information, retrieving the information and extracting the information. Such costs are calculated at £25 per hour per person (regardless of actual rate of pay) which means that the appropriate limit will be exceeded if it is estimated that it will take more than 18 hours to find and extract the information. We will not include the cost of staff time in deliberating whether an exemption applies to your request or for the time it takes to redact exempt information from a document.
- 3.4. If we estimate that your request will exceed the appropriate limit, i.e., it is likely to cost the Commissioner more than £450 to locate, retrieve and extract the information that you have asked for, we will contact you to explain this and to explain how we have made this estimate. If possible, we will provide you with advice as to how your request may be refined so that it does not exceed the appropriate limit.

¹ Commissioner' means the Police and Crime Commissioner for West Yorkshire and their staff.

- 3.5. If the appropriate limit is likely to be exceeded, the Commissioner is not obliged to comply with your request and we will contact you to explain this. However, if you still wish us to deal with your request we may charge you a fee to cover the costs involved in locating, retrieving and extracting the information, the costs of communicating the information to you and the cost of staff time (at £25 per person per hour) spent on communicating the information.
- 3.6. The majority of requests do not exceed the £450 appropriate limit and in these cases the Commissioner, under regulation 6 of the Act, is able to charge you for photocopying and postage (or the costs associated with communicating the information to you in an alternative way if you have requested this).
- 3.7. For requests, which are below the £450 appropriate limit the Commissioner will only charge you for the communication (or disbursement) expenses that we have actually incurred. We will not charge you for staff time. We will not charge you for the time taken to consider whether exemptions apply or for the time it takes us to redact exempt information. We may make a charge however for the physical costs of redaction if specialist equipment is required (to remove information from tape recordings, for example).
- 3.8. In all cases, if a fee is applicable you will be notified before the information is provided to you and before the Commissioner incurs the charge.

4. Access to Environmental Information

- 4.1. In most cases, the Commissioner will not charge a fee to access Environmental Information. However, the Environmental Information Regulations 2004 do allow the Commissioner to charge a reasonable amount for making environmental information available. Any fee must not exceed the cost to the Commissioner of producing the information requested and must take into account the overriding aims of the Regulations to make Environmental Information available to the public so they can participate in decision making around Environmental issues.
- 4.2. Fees are not permitted for information held by the Commissioner in public registers or to inspect information in our office.
- 4.3. Any charge will not exceed the cost of producing the information, unless the part of the Commissioner's Office that owns the information is entitled to make a 'market-based' or financially 'competitive' charge for the information, such as a trading fund. If the Officer dealing with the request decides to make a charge, they will confirm the amount needed before providing the information. The 20 working day clock will stop once a charge is made, and then start again once we have received the payment.
- 4.4. If a fee is requested and no payment is received within 60 working days, then the request will be cancelled.
- 4.5. There is no chargeable time limit allowed for processing requests under the Environmental Information Regulations (as there is with the FOIA), but we may refuse to respond to requests which are 'complex and voluminous' or give ourselves a 20 day extension, allowing the request to be answered in 40 days. In all cases, we will provide advice and assistance to the applicant as to how refine their request.

4.6. Charging for photocopying

Paper Size	Number of pages	Cost per sheet	Cost per sheet inc. VAT
A4	1-5	Nil	Nil
A3	2	Nil	Nil
A4	6 or more	10p	12p
A3	3 or more	28p	33p
A2	1 or more	30p	35p
A1	1 or more	£2.43	£2.83
A0	1 or more	£2.90	£3.41

4.7. Back to back copies are counted as 2 copies. VAT charged (currently at 20%) should be included on all photocopying costs. The Commissioner may also charge for the costs incurred with postage and packaging.

5. Subject Access Requests

- 5.1. A request for information that constitutes the personal information of the individual making the request is known as a Subject Access Request. Under the UK General Data Protection Regulation, the Police & Crime Commissioner must provide individuals with a copy of their information free of charge in the majority of circumstances.
- 5.2. The commissioner is permitted to charge for Subject Access Requests which are manifestly unfounded or excessive, particularly if the request is repetitive.
- 5.3. The Commissioner is also permitted to charge a fee for requests for further copies of the same information. Although a charge should not ordinarily be levied for all subsequent access requests.
- 5.4. Any fee will be based on the administrative cost of providing the information, and will mirror those charging for photocopies in paragraph 4.6.