

Making requests for information to Herefordshire Council

Policy on fees and charging

Herefordshire Council is committed to proactively publishing information and to providing information on request in accordance with the relevant legislation.

In some instances, the council can make a charge for the information that is requested. The information in this document sets out our charges for providing you with information under:

- The Freedom of Information (FOI) Act 2000
- The Environmental Information Regulations (EIR) 2004
- The Data Protection Act 2018 (i.e. Subject Access Requests) and related data protection legislation

This policy does not apply to information which is otherwise available either:

- Under statute, or
- through the council's [Publication Scheme](#)

If you access information either through specific legislation or the Publication Scheme, there may be a charge and / or cost for supplying the information. Any such charges will be detailed on the Publication Scheme web links or will be confirmed at the time of your request.

Fees regulations

Under the FOI Act, the council is entitled to refuse a request if the cost of complying with it exceeds the "appropriate limit".

The Freedom of Information & Data Protection (Appropriate Limits & Fees) Regulations 2004 set the appropriate limit at £450. This is equivalent to two and half days of work (or 18 hours at the rate of £25 per hour of each officer's search time as prescribed in the Regulations).

When calculating whether answering a request would exceed this threshold, the council will take into account the costs involved in the following activities:

- Determining whether it holds the information;
- Locating and retrieving the information; and
- Extracting the releasable information from any exempt information

In applying fees and charges the council cannot take into account the costs of considering whether information is exempt under the Act, carrying out any redactions nor possible expenses incurred in the issuing of fee notices.

If your request exceeds the £450 limit, we will write to inform you your request is refused, 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 a request is estimated to cost less than the prescribed £450 limit, and there is no other basis on which it may be refused or otherwise dealt with, the council will answer the request. The maximum fee that can be charged in these cases is limited to any disbursement costs that may arise.

Disbursements

Any disbursements associated with processing requests under the FOI Act and the EIR are payable in all cases. Examples of disbursements include the costs of postage, reproducing any document containing the information and printing. Please see the Disbursement Costs table further down this document for details.

Making more than one request

For the purpose of calculating the statutory limit, where we receive two or more requests within 60 days of each other, from an individual or group of individuals who appear to us to be acting together or in pursuance of a campaign, we may be entitled to aggregate / add together the costs of processing those requests to estimate if the £450 limit is exceeded.

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

Requests for environmental information

The Fees Regulations do not apply to requests made under the EIR. Instead the EIR permits a public authority to make a 'reasonable charge' for providing environmental information.

We have nonetheless had regard to the Fees Regulations in deciding that Herefordshire Council will follow the same costs as under the FOI Act i.e. £25 per hour for officer time.

If it is estimated that the EIR request will take less than 18 hours (£450) to complete and there is no reason to withhold the information, the request will be dealt with free of charge (save any disbursement costs that may apply).

If it is estimated that an EIR request will take more than 18 hours to complete, a fee notice will be issued estimating the full cost of providing the information requested, including staff costs to locate, retrieve and extract the requested information, calculated at a rate of £25 per hour. There may also be a charge for any disbursement costs. We will also offer advice and assistance on how to revise a request so that information can be released without exceeding that limit. Once the charges in the fee notice are paid, the request will be processed further.

You will not be charged for access to environmental information which is available to inspect 'on site' (as opposed to having it sent to you), or for accessing any public registers or lists of environmental information held by the council.

The EIR also permits a public authority to refuse to respond to a request which is formulated in too general a manner, where it has asked for more particulars and provided advice & assistance. A request can also be refused where it is manifestly unreasonable.

Requests for Personal Data

The information is provided free of charge for subject access requests processed under the UK General Data Protection Regulations (UK GDPR) and Data Protection Act 2018 and other related data protection legislation. However the council charges a fee for further copies of the same information provided based on a standard charge per page (set out below under Disbursement Costs). This includes requests for further paper copies of a response previously sent in that format, or, a request for a hard copy of a response after an electronic copy has already been provided.

Further information on how to make a [Subject Access Request](#) is available on the council's website.

Herefordshire Council will provide the information in electronic format such as secure email unless otherwise agreed with the requester.

Information provided in response to care leaver requests to access their social care records will be provided in paper format.

Disbursement Costs

Requested information will be sent to the requester via email, free of charge. If information is required in hard copy or other formats, the council can charge the requester for the costs of printing, photocopying, postage and supplying the information in a particular format. These disbursement charges are set out below:

Print Outs from a PC (prices in £ per side)

Paper Size	Black & White	Colour
A4	10p per side	40p per side
A3	20p per side	80p per side

Photocopies (prices in £ per side)

Paper Size	Black & White	Colour
A4	10p per side	40p per side
A3	20p per side	80p per side

Specialist documents e.g. plans with overlays

Charged at discretion of the department in question as a result of discussions with the requester.

Emails

Information / documents sent to requesters via email will be provided free of charge

Presentation

Presentation options	Costs
Binding of documents	£10.00 including cost of materials and officer time taken to bind
Packaging	£2.50 per parcel irrespective of size / weight

Postage

Based on current Royal Mail rates for recorded delivery. Subject Access Requests provided in hard copy will be sent via recorded delivery.

Supervised viewing of documents which do not form part of the public register

£25.00 per hour

Other formats

Other formats available	Costs
Supply in Braille, large print, spoken word	Charges to be applied will be confirmed at time of request. Each application will be considered on a case by case basis, and in exceptional cases we may waive the charge for providing the information.
Supply in a language other than English	Charges to be applied will be confirmed at time of request. Each application will be considered on a case by case basis, and in exceptional cases we may waive the charge for providing the information.

Please note:

- £5.00 is the minimum for which a fee will be charged
- These fees are designed to recoup any expenditure rather than include any profit element
- The fees do not apply to the provision of information under other statute or under the terms of the council's Publication Scheme (where other charges may apply).
- Our charges reflect current statutory requirements and guidance

How do I make payment of any charges?

Payments can be made online using the council's [24 hour secure internet payment service](#), which accepts most major debit or credit cards. Please select 'Information Requests' from the list of services detailed.

If you are unable to make payment online and require an alternative payment option, please contact foi@herefordshire.gov.uk to discuss further.

How do charges affect the time limit for supplying information?

The council has 20 working days to respond to an FOI or EIR request and one month (or three months if they are complex) to respond to subject access requests. If a charge applies, a fee notice will be issued before any costs are incurred in preparing the answer to the request and the fee must be paid in advance of the information being supplied. Once the fee notice has been issued the response clock stops while the requester pays the charge. Once the fee has been paid, the clock restarts and work will begin to collate the information.

If a charge is not paid within 3 months (FOI and SAR) or 60 working days (EIR) of the notification of the charge being issued, Herefordshire Council will consider the request to be closed and take no further action.

Waiver of costs

In exceptional cases we may waive the charges for providing information. Each application is considered on its own individual circumstances.

Herefordshire Council reserves the right to communicate the information in the most cost effective way whilst meeting the needs of the person making the request.

Refunds

If the actual cost of answering the request turns out to be greater than the estimated cost charged, the additional costs will be borne by the council. There is no provision for another fee notice to be issued. If the actual costs are lower than the amount charged, the council will consider refunding the excess amount where this is greater than £5.00. Care will be taken to ensure that estimated fees are as accurate as possible to prevent over or under charging.

What if I wish to challenge any decision on charges?

If you are unhappy with any charge for an information request you may request that an internal review of this decision be undertaken. For further details please see our [FOI / EIR Internal Review Procedure](#) or the [SAR Internal Review Procedure](#).

Review

This policy will be reviewed regularly and at least every 2 years to take account of any increases in postal charges, printing and other costs.