



Northern Ireland  
Assembly

## **INFORMATION ACCESS CHARGING POLICY**

**April 2019**

## **Information Access Charging Policy**

1. This schedule explains the fees we charge in relation to requests for information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and how we will calculate those fees.

### **Freedom of Information Act 2000 (FOIA)**

2. When we receive a request for information we will estimate the costs we reasonably expect to incur in dealing with your request. In making this calculation we will take into account the time our staff (or contractors) spend on the following activities at a rate of £25 per person per hour:
  - 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.
3. We will not take into account time we expect to incur on the following when calculating the estimated costs:
  - checking whether the request meets the requirements of the FOIA;
  - considering whether an exemption under the FOIA applies;
  - considering whether the request is a vexatious or repeated request;
  - obtaining authorisation to disclose information;
  - calculating the fee to be charged; and
  - any advice or assistance we provide in relation to the request.

### **Where the estimated cost is less than £600 (i.e. below “the appropriate fees limit”)**

4. If the estimated cost is equal to or less than £600, then we will not charge you for any time our staff spend dealing with or responding to your request.
5. We may charge for any 'disbursements' we incur in informing you whether we hold the information requested, and communicating that information to you. Charges for disbursements, may be incurred and this will be at the discretion of the Northern Ireland Assembly Commission and may be determined by the volume of information requested.

This will include the costs to us of:

- putting the information in any preferred format you have requested (for example DVD, CD-Rom, video or audio cassette). We will charge you the actual cost to us of doing this;
- reproducing any document containing the information (for example printing or photocopying). We may charge you for printing and photocopying;
- postage and other forms of transmitting the information. Postage and transmission will be charged at the actual cost to us.

6. We will waive any charges which we estimate to be, or which are, less than £5 in total.

### **Where the estimated cost exceeds the appropriate fees limit (£600)**

7. We are not obliged to respond to requests where we estimate that the cost of complying will exceed £600. If we estimate that the cost of complying with your request will exceed £600 we will try to assist you to refine your request, in order to see if it can be brought within this limit. If, following such assistance, your request cannot be brought within this limit we will normally decline to respond to your request. This is because we have limited resources to deal with complicated or time-consuming requests.

### **Related requests**

8. We may treat two or more requests for information as one single request for the purpose of estimating whether our costs will exceed £600 and for charging, in the following circumstances in accordance with regulation 5 of the Fees Regulation:
  - where we receive two or more requests for similar information; and
  - the requests are received within any period of 60 consecutive working days; and those requests appear to have been made by the same person, or different persons acting in concert or pursuance of a campaign.

### **Environmental Information Regulations 2004 (EIR)**

9. Under the EIR we are entitled to make a 'reasonable charge' for the supply of environmental information. The charges we make in relation to requests under the EIR are similar to those under the FOIA (described above) but there are a number of differences.
10. The exception at regulation 12(4)(b) of the EIR can apply if the cost or burden of processing a request is too great. In assessing whether the cost or burden of processing a request is too great, we will need to consider the proportionality of the burden or costs involved and decide whether they are clearly or obviously unreasonable. This will mean taking into account all the circumstances of the case including:
  - the nature of the request and any wider value in the requested information being made publicly available;
  - the importance of any underlying issue to which the request relates, and the extent to which responding to the request would illuminate that issue;
  - the resources available within the organisation to process the request, including the extent to which the public authority would be distracted from delivering other services; and
  - the context in which the request is made, which may include the burden of responding to other requests on the same subject from the same requester.

## **Estimating costs**

11. When we receive a request for information under the EIR we will consider the circumstances as outlined above on a case by case basis. Where it is deemed necessary, we will estimate the cost to respond to the request, in accordance with the same calculation under the FOIA (see above). Time spent by our staff will therefore be calculated at a flat rate of £25 per person per hour.

### **Where the estimated cost is less than £600**

12. Where the estimated cost of responding to your request is less than £600, we may only charge you for any 'disbursements' we incur in informing you whether we hold the information requested, and communicating it to you. These charges will be calculated in the same way as they are for requests under the FOIA (see above).

### **Where the estimated cost exceeds £600**

13. If we estimate that the cost of complying with your request will exceed £600 we will try to assist you to refine your request, in order to see if it can be brought within this limit. If, following such assistance, your request cannot be brought within this limit we will normally decline to respond to your request. This is because we have limited resources to deal with complicated or time-consuming requests.

## **Fees notices – FOIA & EIR**

14. Where we propose to charge a fee for disbursement costs in responding to a request, we will issue a fees notice before responding. The 20 working day period we have to comply with requests will be 'frozen' when we issue the fees notice and will only restart when we receive payment of the fee.
15. If you do not pay the fees notice within three months, we will not be obliged to respond to your request, although you are entitled to make a new application at any time.
16. If the actual cost of responding to your request is more than stated in the fees notice, we will bear the additional cost. If the actual cost is less than stated in the fees notice, we will refund the excess money to you.

## **Complaints**

17. If you are unhappy with our decision to apply a fee or do not consider that we have handled your request properly and we are unable to resolve this issue informally, you are entitled to make a formal complaint to us under our complaints procedure.
18. If you are still unhappy after we have investigated your complaint and reported the outcome to you, you may complain directly to the Information Commissioner. The Information Commissioner can be contacted at:

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

### **Calculation of the appropriate fees limit**

19. FOIA - Searching and retrieving information to ascertain whether the cost exceeds £600. This is calculated at a rate of £25 per hour, per member of staff regardless of grade.
20. EIR - Searching and retrieving information to ascertain whether the amount of information requested would be unreasonable (over £600) to provide free of charge. This is calculated at a rate of £25 per hour, per member of staff regardless of grade.

### **Disbursement Costs**

21. Photocopying, paper, computer discs, postage and packaging and other costs associated with supplying information.