

Greater Manchester Waste Disposal Authority

FREEDOM OF INFORMATION ACT 2000



**POLICY ON
FEES AND CHARGES**

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GREATER MANCHESTER WASTE DISPOSAL AUTHORITY FEES AND CHARGES POLICY

Fees

Under the Freedom of Information Act 2000 and Section 9A of the Data Protection Act 1998, the "appropriate" limit for fees is £450.

Greater Manchester Waste Disposal Authority will estimate on a case by case basis whether a request will be less than £450 to answer or exceed this limit.

When estimating the cost of complying with a request for information, the Authority will take into account the staff time charged at a rate of £25 per hour. This will involve the following:-

- Determining that the information is held.
- Locating the information or a document which may contain the information.
- Retrieving the information or a document which may contain the information.
- Extracting the information from a document containing it

The Authority will not take into account any cost other than those set out in the Fees Regulations.

In particular, it may **not** take into account any of the following:-

- Time taken to check that a request for information meets the requirement of the Act.
- Considering whether information requested should be withheld in reliance of an exemption under the Act.
- Considering whether it is a vexatious or repeated request.
- Obtaining authorisation to send out the information.
- The time taken to calculate any fee charged.
- Providing advice and assistance under the Act.
- Redaction of any information.

Where the cost of complying with written requests is below the appropriate limit of £450, there will be no fee, but there may be a charge (see below charges/costs).

The Authority is not obliged to respond to requests for information where it estimates that the cost of complying with the request exceeds £450. In cases where the limit will be exceeded, the Authority will discuss with the requester whether they would prefer to redefine the request to reduce the costs.

Aggregated Requests

In some circumstances, the cost of answering more than one request can be added together or aggregated for the purpose of estimating whether the appropriate limit of £450 would be exceeded (this will only apply to requests under the Freedom of Information Act not to subject access requests to the Authority on "unstructured personal data" to which the Data Protection Act 1998 applies).

Requests may be aggregated when two or more requests have been received by the Authority and: -

- They must be either from the same person or from different persons who appear to the Authority to be acting in concern or in pursuance of a campaign.
- They must relate to the same or similar information.

- They must have been received by the Authority within a space of 60 consecutive working days.

Requests costing less than the appropriate limit - the Authority's Charges/Costs

In cases where the appropriate limit has not been exceeded, the Authority can only make a charge in relation to the cost of: -

- Informing the person whether it holds the information.
- Communication of the information to the person making the request.

This includes the cost of the following:-

- Putting the information into the requested preferred format so far as it is reasonably practical;
- Reproducing any documents containing the information, for example photocopying or printing; and
- Postage or other forms of communication of the information.

The Authority will consider the applicant's preferred format when responding to a request which may include the follow:-

- A summary of the information.
- Providing a copy (for example by photocopying or printing).
- Allowing the requester to inspect a record.
- Producing in the applicant's preferred format, for example CD Rom etc.
- Translating into a different language - the Authority is not obliged to translate documents if this would not "reasonably practical".

CHARGES WILL BE BASED ON THE FOLLOWING COSTS HOWEVER THE AUTHORITY WILL USUALLY PROVIDE INFORMATION FREE OF CHARGE UP TO £10.

Postage Costs

Applicants will either provide an envelope with the correct postage or pay at one of the levels given in charges issued by the Royal Mail - Public Tariff

NOTE: THESE CHARGES ARE BASED ON ROYAL MAIL COST AND MAY BE SUBJECT TO CHANGE.

Printing Costs

This is based on 10p per sheet of A4 paper.

Charges for other formats and translation to other languages

Charges may be made to the requester for supplying other formats e.g. CD Rom, Video, floppy disk where the cost of this is equal to or costs above the printing and/or postage cost.

Time Limits

Under the Act the Authority will, in most cases, respond to a request within 20 working days.

If the Authority is making a charge for the information, a letter/notice will be issued to the requester to inform them of the amount of charge. The 20 working day time limit will be extended to cover for the day on which the letter/notice is given to the requester and ending with the day on which the fee is received by the Authority.

Payments by cheque should normally be calculated from the date the cheque is cleared.

Refunds

If the actual cost of answering the request is greater than the estimated cost, the Authority will bear the additional cost.

If the cost of answering is less than estimated, the Authority will consider refunding the excess amount to the requester.

Requests costing more than £450

The Authority is not obliged to answer these requests, but will take into account its duty under Section 16 of the Act, which is to provide advice and assistance.

The Authority will discuss with the requester, the refining of a request to bring it below the appropriate of £450.

If, after consideration of the above, the request is still over the appropriate limit, the Authority will inform the requester accordingly.

The Authority will then consider the following:-

- It may decide not to provide the information.
- It can answer and charge any permitted fee.
- It can answer without charging.

If the Authority does decide to make the information available, any fee charged will again be calculated using the £25 per hour rate.

Fees and Information that is exempt under the Act

Section 21 of the Act provides that information is absolutely exempt if it is "reasonably accessible" to the Applicant.

Information will always be considered reasonably accessible if the following applies:-

- The Authority is obliged to communicate it to the Applicant under some Act; or
- The information is made available within the Authority's Publication Scheme.

Charges already exist for certain identified Authority documents within the Publication Scheme.

Where the Authority already provides information for a fee, this will be exempt from the Freedom of Information Act and the existing costs and charging regimes will apply.

VAT

- As the Act does not set a specific fee, any monies charged are not statutory fees;
- Customs do not consider that information released under the Act constitutes an economic activity where the information could only be provided by a public the Authority. As such, any fees charged in will be outside the scope of VAT. This means that no VAT should be added to the fees.

- The key-determining factor as to whether VAT is charged is whether the information is available from another source that is not a public authority. This distinction is made so as not to distort competition between the public and private sector.

Basically: -

- If the Authority is asked for information, and the information is only available from the Authority or another public Authority, any chargeable fees do not attract VAT.
- If the Authority is asked for information that is available from another non-public advice source any fees do attract VAT.

This is still the case even if the Authority is obliged to supply the information because the cost of answering is below the appropriate limited (i.e. where the cost of similar requests may have been aggregated).

Copyright Protection

Some of the information supplied under the Freedom of Information Act may be subject to copyright protection under the Copyright, Designs and Patents Act 1998. Information can be reused for the purposes of research for non-commercial purposes, for private study or for news reporting and review without requiring formal consent. However, if the requester wished to reuse the information for commercial purposes, including publishing he or she would require the permission of the copyright holder. Permission to reuse copyright information is granted in the form of a licence. Charges will be advised on request

Mixed Requests

This a request in which part of the information request is regulated by one access to information regime and other parts by other information regimes.

The regimes most likely to be encountered in addition to Freedom of Information are:-

- subject access request under the Data Protection Act 1998
- access to environmental information under the Environmental Information Regulations 2004

Under Subject Access Request the Authority will usually charge £10.00 (with the exception of Education Records and Manual Health Records where there is a maximum fee of £50.00).

Requests under the Environmental Information Regulations 2004 are similar to the Freedom of Information Act requests, although there is no appropriate limit above which the Authority can refuse a request and unless there is a charging regime already in place, the Authority will adopt the same policy for Environmental Information Regulations 2004 as under the Freedom of Information Act 2000.