

Freedom of Information Act 2000: Fee Charging Policy

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Summary

What is this document about?

This policy sets out the circumstances under which the University may charge for responding to a request made under the Freedom of Information Act 2000, and how those charges will be determined.

Who is this for?

This policy is for anybody who may wish to request information from the University under the Freedom of Information Act 2000.

How does the University check this is followed?

Only a limited number of people, with knowledge of this policy, can raise a charge for responding to a request made under the Freedom of Information Act 2000. Local knowledge from those dealing with requests shows that the policy has been followed in the small number of cases where it has been applied.

Who can you contact if you have any queries about this document?

All enquirers may contact the Information Disclosure team on 0239284 3642 / 3103 or freedom-of-information@port.ac.uk.

Freedom of Information Act 2000: Fee Charging Policy

1. Introduction

- 1.1 The Freedom of Information Act 2000 (FOIA) requires public authorities to make information available either on receipt of a request for specific information, or generally by posting information to other accessible means such as the internet. Higher Education Institutions (universities) are defined under Part IV of Schedule 1 to the FOIA – relating to maintained schools and other educational institutions – as being a public authority.
- 1.2 This policy sets out the criteria that will be used when deciding whether, and how much, to charge for providing information.

2. Policy Decisions

- 2.1 No fee will be charged for providing information where the appropriate limit is not reached. (paragraph 4.5).
- 2.2 Once the appropriate limit is reached, the University will charge £44 per hour for finding and providing the requested information. (paragraph.4.7).
- 2.3 The University will not comply with a request that would cost more than the equivalent of three and a half days work to provide, on the grounds that the cost of complying exceeds the appropriate limit (section 12(1) of the FOIA) (paragraph 4.8 below)
- 2.4 The University will charge for disbursements at the actual cost to the University, but only once the costs of the disbursements are greater than £10 (paragraph 4.10 below).
- 2.5 In cases where fees are to be charged, the University will issue the requestor with a fees notice (section 9(1) of the FOIA) stating the amount to be charged. The requested information will not be provided until the fee has been paid. Payment can be made via the University Online payment system, via this [link](#).

3. Information held in Publication Schemes

- 3.1 In accordance with section 19 of the FOIA, the University produces Publication Schemes for itself as an educational institution and for its wholly owned subsidiary bodies, the University of Portsmouth Enterprise Ltd, the University of Portsmouth Investments Ltd, ASTA Technology UK Ltd, University of Portsmouth Services Ltd, and Technology Enterprises Portsmouth Ltd.
- 3.2 The Publication Schemes state, as required, whether information is available to the public free of charge or on payment of a fee. Most information in these publication schemes is currently provided free of charge.
- 3.3 Any charges set out in the Publication Scheme are separate from any charges referred to in this policy.

4. Charging for requests for information

- 4.1 Any person is entitled to request information from the University under the FOIA. The University may levy a fee for providing the information requested (section 9 of the FOIA).
- 4.2 The amount that can be charged for providing information is regulated by the Freedom of Information and Data Protection (Appropriate Limit & Fees) Regulations 2004. For all public authorities except central Government and Parliament, the appropriate limit is £450, under which no charge except for disbursements can be levied (see paragraph 4.8 below). Within this figure of £450, the only costs that can be taken into account are those incurred in:

- i) determining whether the public authority holds the information;
- ii) locating and retrieving the information; and
- iii) extracting the information from other documents if necessary.

No charge will be made for the time it may take to determine how much of the information must be released, including allowing for exemptions.

- 4.3 To **estimate** whether the cost of complying would exceed the appropriate limit, the Regulations stipulate that the calculation must be completed estimating the costs at a rate of £25 per person per hour (section 4(4) of the Regulations).
- 4.4 If the estimate shows that the information can be provided for less than the appropriate limit (£450), no charge will be made for providing the information, other than for disbursements, if appropriate.
- 4.5 If the estimate shows that the information can only be provided for more than £450, the University has three choices:
- i) to provide the information, after charging a fee;
 - ii) to refuse to provide the information; or
 - iii) to provide the information, free of charge.
- 4.6 Once the appropriate limit has been reached, and the University decides to charge for providing the information, it is possible to charge a rate that more closely relates to the actual cost to the University. The University will charge for finding and providing the information at a cost of £44 per hour (twice the cost of employment per hour figure for an employee on scale point 32 of the support staff pay scale).
- 4.7 The University has decided that where the appropriate limit has been reached, it will provide the information at the rate given in paragraph 4.6 until the cost equals three and a half day's work (£1,144). Beyond this point, it becomes too expensive to provide the information and the University will claim the exemption at section 12(1) of the FOIA allowing it not to have to provide the information requested.
- 4.8 It is possible under section 6(2) of the Regulations, for the University to charge for disbursements when charging a fee to provide the requested information. Disbursements are defined as:
- i) any costs involved in complying with an obligation as to the means of form of communicating the information (section 11 FOIA);
 - ii) reproducing any document containing the information (photocopying); and
 - iii) postage and other forms of transmitting the information.
- 4.9 The University will charge for disbursements at the actual cost to the University and this cost will be added to the cost charged for providing the information as determined in paragraph 4.6 above. However, in instances where the estimated cost is below the appropriate limit and no charge can therefore be levied for providing the information (paragraph 4.4 above), disbursements will only be charged if the figure is above £10.

5. Fees notices

- 5.1 Before the University can charge a fee for providing the requested information, it will issue a fees notice under section 9(1) of the FOIA to the person making the request, setting out the estimated cost, including disbursements. The information requested does not need to be provided unless and until the fee charged is paid. The requestor has three months in which to pay the fee. If the requestor declines to pay the fee or the fee is not received within the three months, the information will not be provided.
- 5.2 The University has 20 working days from the day after a request is received to provide the information requested. However, the time involved in issuing a fees notice until the fee has been received, will not be included in this calculation. Anyone paying a fee for the requested information will be informed of the latest date by which they should receive a response, once their payment has been accepted.

6. Refunds

The figure charged in the fees notice will be an estimate based on the work it is believed will be needed to find and provide the information requested. If the information is found in less time than anticipated and / or the disbursements are less than estimated, the University will refund the difference. If, however, the University has under-estimated the work necessary or the level of disbursements, the University will bear the extra cost.