

**REPORT TO:** POLICY AND RESOURCES COMMITTEE – 13 DECEMBER 2004  
**REPORT ON:** FREEDOM OF INFORMATION REQUESTS – CHARGING OF FEES  
**REPORT BY:** DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)  
**REPORT NO.:** 840-2004

**1. PURPOSE OF REPORT**

1.1 Approval is sought to charge fees for responding to Freedom of Information requests.

**2. RECOMMENDATIONS**

2.1 It is recommended that

2.1.1 the Council charge for responding to Freedom of Information requests where it is permitted to do so (unless the Depute Chief Executive (Support Services) in consultation with the Depute Chief Executive (Finance) decide in a particular case that it would be inappropriate to do so) and that the Depute Chief Executive (Support Services) in consultation with the Depute Chief Executive (Finance) be authorised to determine the fee chargeable for each request on behalf of the Council

2.1.2 the Depute Chief Executive (Support Services) in consultation with the Depute Chief Executive (Finance) be given delegated authority to decide whether or not to respond to requests for information where the projected costs of doing so will exceed the prescribed amount (currently £600).

**3. FINANCIAL IMPLICATIONS**

3.1 It is not possible to accurately estimate the direct financial implications of the introduction of the Freedom of Information Act. The additional effort required to ingather and provide the information requested will in effect be an "opportunity cost" and will have no direct financial implications on the Council

3.2 The fee income likely to be generated from the adoption of the proposed fee structure is indeterminate, as it is not possible to estimate the likely demand for information. The Revenue Budgets for 2005/06 and onwards have no provision for this income, and therefore any income received will be in addition to the Revenue Budget provision.

**4. LOCAL AGENDA 21 IMPLICATIONS**

4.1 There are no Local Agenda 21 implications arising out of this Report.

**5. EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 There are no equal opportunities implications arising out of this Report

**6 MAIN TEXT**

6.1 The Scottish Ministers have made regulations under the Freedom of Information (Scotland) Act 2002 enabling Scottish public authorities to charge for responding to Freedom of Information requests in certain circumstances. While the regulations will in practice mean that Scottish public authorities have to make much information available free of charge and, even where a fee can be charged, will not allow for full cost recovery, given that the Scottish Executive have made no money available to the City Council to implement the Act, it is thought appropriate to charge fees where possible to defray some at least of the additional costs which will have to be borne by the Council as a result of the new Act. (There may however be particular cases where it would be inappropriate to charge and it is therefore proposed that the Depute Chief Executive (Support Services) in consultation with the Depute Chief Executive (Finance) should have discretion to decide not to charge in those cases.)

6.2 The effect of the regulations is as follows.

The Council first has to determine what the projected costs (including outlays but excluding VAT) of responding to the request will be

If the projected costs will be below £600

- the first £100 of costs must not be charged for
- thereafter the Council may charge 10% of their costs (although if those costs include staff time that time is to be charged at no more than £15 per hour).

If the projected costs will exceed £600

- the Council may refuse to respond to the request, or
- the Council may charge the concessionary rates set out above for the projected costs up to £600 and thereafter make full recovery, except that the charge for staff time must again be no more than £15 per hour.

Where the projected costs will exceed £600 it may be appropriate simply to refuse to respond and it is suggested that the Depute Chief Executive (Support Services) in consultation with the Depute Chief Executive (Finance) should have delegated power to do so.

**7. CONSULTATION**

7.1 The Chief Executive and the Depute Chief Executive (Finance) have been consulted in the preparation of this Report.

**8. BACKGROUND PAPERS**

8.1 The Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004

8.2 The Freedom of Information (Fees for Disclosure under Section 13) (Scotland) Regulations 2004

8.3 Scottish Ministers Code of Practice on the Discharge of Functions by Public Authorities under the Freedom of Information (Scotland) Act 2002

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Patricia McIlquham

Date 2 December 2004  
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Depute Chief Executive (Support Services)

