



# **Freedom of Information Charging Policy**

## **Publication Scheme**

The information listed within the publication scheme is provided free of charge by the means described.

## **Requests for Information**

A request for information which is not contained within the Publication Scheme will normally be dealt with free of charge.

Charges may be made for actual disbursements incurred such as:

- Photocopying (no more than 10 pence per sheet)
- Postage and packaging
- The costs directly incurred as a result of viewing information.

Where the charge is calculated to be less than £10 it will be waived.

## **Appropriate Limit**

Section 12 of the Freedom of Information Act (FOIA) provides an exemption from a public authority's obligation to comply with a request for information where the cost of compliance is estimated to exceed the appropriate limit. The appropriate limit for the purposes of Section 12 of the FOI Act and Section 9A of the Data Protection Act has been set at £450 for public authorities other than central government, legislative bodies and the armed forces.

## **Assessing whether or not the appropriate limit is exceeded**

The system of determining whether or not the appropriate limit would be exceeded should be relatively simple in the majority of cases. It will often be immediately obvious that the cost will not exceed the appropriate limit. The Northern Ireland Medical & Dental Training Agency (the Agency) will therefore not need to estimate the costs of such requests for the purpose of charging. However, if a request is more complicated and likely to take longer to answer, the Agency will consider on a case by case basis if it wishes to estimate in advance whether the appropriate limit would be exceeded. The Agency must make such an estimate before refusing a request for information.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Fees Regulations) set out what may be taken into account when the Agency is estimating whether the appropriate limit has been exceeded. The costs are limited to those that an authority reasonable expects to incur in:

- Determining whether it holds the information requested.
- Locating the information or documents containing the information

- Retrieving such information or documents.
- Extracting the information from the document containing it.

When estimating staff time costs the Agency (and other Public Authorities) uses the hourly rate of £25/hr.

### **Aggregating requests for costing purposes**

In certain situations the costs of answering more than one request can be added together or aggregated for the purposes of estimating whether the appropriate limit would be exceeded in relation to any one of those requests. This only applies to requests under the Freedom of Information Act, not to subject access requests.

Requests can only be aggregated in the following circumstances:

- Two or more requests for information must have been made to the Agency.
- They must be either from the same person, or from different persons who appear to the public authority to be acting in concert or in pursuance of a campaign.
- The requests must relate to the same or similar information.
- They must have been received by the Agency within a space of 60 consecutive working days.

This provision is intended to prevent individuals or organisations circumventing the appropriate limit by splitting a request into smaller parts.

### **Requests costing less than the appropriate limit**

In cases where the appropriate limit has not been exceeded, the maximum fee that could be charged is based on the Agency's estimate of cost that it reasonably expects to incur in:

- Informing the applicant whether it holds the information.
- Communicating the information to the person making the request.

This includes the cost of:

- Putting the information in the applicant's preferred format, as far as this is reasonably practicable, as set out in Section 11 of the Act.
- Reproducing any document containing the information, e.g. photocopy or printing
- Postage and other forms of communicating the information.

When the appropriate limit has not been met, it is only these costs which can be taken into account for the purposes of calculating the maximum fee.

The cost of photocopying and printing will be no more than 10 pence per sheet of paper.

If a fee is to be charged a fees notice will be issued. The fees notice will be issued before any costs are incurred in preparing to communicate the answer to the request. When the fees notice has been issued the applicant has three months to pay.

When a particularly high charge is to be made an invitation will be made to the applicant to discuss whether a free or cheaper alternative format might meet his or her needs equally well.

If the actual cost of answering the request turns out to be greater than the estimated cost charged in the maximum fee, the Agency must bear the additional cost. A second fees notice cannot be issued.

If the actual cost of answering the request proves to be less than the fees charged a refund of the excess money will be made to the applicant.

### **Requests costing more than the appropriate limit**

If requests for information are estimated to cost more than the appropriate limit, the Agency is not obliged to answer under Section 1 of the FOI Act. There is still an obligation to confirm or deny whether the information is held unless to do this would in itself exceed the appropriate limit. Section 16 must be taken into consideration and advice and assistance will be provided in discussing whether the request can be refined to a manageable level or resubmitted in part.

If after providing advice and assistance the request is still over the appropriate limit, the applicant will be informed in writing.