

APPENDIX 3

SURVEY OF SCOTTISH LOCAL AUTHORITY ABOUT PRACTICES OF CHARGING FOR FREEDOM OF INFORMATION REQUESTS, JUNE 2008

Aberdeen City Council

still has a charging policy and has charged but the feedback returned from the Services is that it's not worth the bother. They would prefer to charge the full amount especially when they are overworked. I think we've only actually charged twice since I started (June 2006) and both were in 2006. In Aberdeen a "fees notice" would only be produced when the cost exceeds £250 but the basic calculation is left untouched ((Estimated Cost - £100)/10).

Aberdeenshire

We charge as per the Fees Regulations

Argyll and Bute

In practice we are more or less same, but have not made it a matter of policy

Clackmannanshire

In Clackmannanshire we have discretion on whether or not to charge - the presumption is not to, and in most cases a response has been free of charge. I'd be urging for a charge to be made however where we were faced with a 'serial enquirer' or a particularly unhelpful enquirer.

Dundee City

Our elected members have expressed concern about the cost to council tax payers of running FoI (there's a growing awareness that council tax payers may be subsidising the "seine-netting" of some national tabloids), and so we are instructed to look at all ways of recovering costs, however small that sum may be. And certainly to charge under EIRS and Re-Use wherever that is practicable. There is also a feeling among the foI practitioner that it would be good to arrange a common fee return from all authorities if a tabloid "seine netter" should deluge us all with an enquiry that would cost us between £100 and £600. If the tabloid editor concerned was hit by fee notices from all 32 local authorities, even it was for £1.42 each, the effort of cheque writing may well encourage the editor to encourage the reporter concerned to go and do h/is/er job properly.

East Ayrshire

Our practice is that we do not charge for any request under £600 (unless our Publication Scheme states a fee – which is uncommon). Over £600 we just refuse. We adopted this stance 2 years ago. I had estimated the potential income if we did charge and it was only a few pounds, as most requests come in below the £100 limit. Few exceed 7 hours (which is about £100) so the 'loss' of income is very small and we avoid the issues of reviews and challenges to our estimates. EIRS we are considering issuing fee notices in some circumstances but haven't done so to date. (I'm trying to develop 'rules' for this but we don't get many EIRS requests so it is not urgent).

East Dunbarton

We tend not to charge in practice due to the small amount we are able to recoup - between £10 and £50. We do always refuse if it exceeds the £600 limit. Recently we have received a few complicated requests requiring work from all Council Services and it has been suggested that we should be applying charges.

Edinburgh City

For requests estimated to cost between £100 and £600, Edinburgh policy is to issue a fees notice at the level permitted in the fees regulations. Above £600, like you, we would refuse.

In practice, very few fees notices are issued. The tendency is to negotiate with the applicant to agree what can be issued below the charging threshold.

Fife Council

We do not charge if below £600 as its just not worth the costs of processing. If over £600 we refuse.

Glasgow City

Glasgow City Council do not have a FOI fees policy per se but we do have a practice whereby we do not charge for a request if it is not commercially worthwhile to do so. For example we would not issue a fees notice for less than about £30 as it costs at least that much to process the payment, unless there is a particular reason for charging.

We do have a standard practice of refusing applications over the £600 barrier, assuming that this is spotted before the work is carried out.

Highland Council

Policy not to charge for FOI requests. If request breaches fees threshold then policy is to refuse to provide information.

Midlothian

We do not have a similar policy in Midlothian. Therefore we would issue a fee notice and charge.

Be careful about refusing when over £600. We had a fair battle with the Commissioner on this one:-

<http://www.itspublicknowledge.info/ApplicationsandDecisions/Decisions/2006/200501434.asp>

At the end of the day the applicant was able to come back and get the info he wanted by applying for it in bite sized chunks.

Moray

we were like you but recently opted to charge per the act. not my decision. it was to discourage fishing FOIs by journalists. I understand most requests lie beneath the threshold.

Orkney Islands Council

Orkney Islands Council's current policy is to charge the maximum fees allowed by the legislation. Having said that, I don't think we've ever actually charged anyone. That could well be because, although departments are keen to suggest that providing information will take them an eternity, they're not so keen to identify the

estimated cost for the issue of a fees notice. I suspect that they hope it will make the request go away, but I keep pointing out it simply stops the clock running for a bit.

Perth & Kinross

Perth & Kinross have the same policy as Highland

Renfrewshire Council

Renfrewshire Council does have a policy of issuing fees notices for requests which will entail a lot of work (but which fall below the £600). Our Director of Corporate Services is keen that we do so. I've only issued one fees notice in the 6 months I've been here, though.

Scottish Borders

We have not agreed a policy but we have never charged (it would probably cost more to raise an Invoice) as we can only claim £50.

Shetland Island Council

Shetland Islands Council has a policy of charging actual costs when it is likely to be over the £600 threshold.

South Lanarkshire

Under FOISA, we charge but only where the fees exceed £5 i.e. the costs are over £150. However, in reality we very rarely charge. It is more likely that we will refuse on the grounds of excessive cost where the costs are over £600 without offering to supply the information even if the applicant wanted to pay.

Under EI(S)Rs, we operate the same system as FOISA except that if the costs are over £600, we charge for the full excess over that figure and not 10%. Once again, we have never levied a fee here.

Under the DPA, we do not charge the £10 max, though we would refuse certain unstructured personal data where the costs exceeded the statutory limit (which we interpret as being £450). We have never done so.

Stirling

We took the decision not to charge but reserve the right.

West Lothian

We have the same policy as you, on the basis that to charge under the FOI Charging Regs. is not cost effective, given you can charge a maximum of only £50 and the cost of invoicing and collecting the fee is estimated at least £30.