

FOI and Re-use Charging Policy

Scottish Information Commissioner



Scottish Information
Commissioner

Contents

Glossary and abbreviations	i
Commisioner’s Charging for Information Policy	1
Introduction	1
Information available through our Publication Scheme	1
Information disclosed in response to a FOISA/EIRs request	2
What may we charge for?	2
Calculating charges	2
Charge waiver.....	2
Requests for re-use of our information	3
Fees Notice	3
Contact Us	3
Document control sheet	4

Glossary and abbreviations

Term used	Explanation
DPA 2018	Data Protection Act 2018
EIRs	The Environmental Information (Scotland) Regulations 2004
FOISA	The Freedom of Information (Scotland) Act 2002
UK GDPR	UK General Data Protection Regulation
RPSI	Re-use of Public Sector Information Regulations 2015
The Commissioner	The Scottish Information Commissioner

Scottish Information Commissioner's FOI and Re-use Charging Policy

Introduction

1. The Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (the EIRs) give everyone the right to request information held by any Scottish public authority. Both laws also require authorities to publish some information proactively.
2. The Scottish Information Commissioner (the Commissioner) (who is responsible for promoting and enforcing Scotland's access to information legislation) is also a Scottish public authority and so subject to the requirements of FOISA and the EIRs.
3. This policy sets out the charges we might make for providing access to our information under FOISA and the EIRs.
4. It also sets out the charges we might make for responding to re-use requests under the Re-use of Public Sector Information (RPSI).
5. The Policy does not cover charging for requests made under the UK General Data Protection Regulation or the Data Protection Act 2018.
6. We very rarely charge for information. If we are going to impose a charge, we will always let you know. Wherever possible, we will also offer advice and assistance about how you might narrow your request to avoid the charge.

Information available through our Publication Scheme

7. This section applies to the information the Commissioner publishes through the Commissioner's Publication Scheme. The Commissioner has produced a Guide to Information (www.itspublicknowledge.info/Guidetoinfo/) which sets out the information we make available through the Commissioner's Publication Scheme.
8. All information on the Commissioner's website www.itspublicknowledge.info is available to download for free.
9. If you would like us to print information from the website, or information we plan to publish on our website, we may charge for providing it to you, but we will not charge you more than it actually costs us to print and send to you.
10. Where charges are made, they are as follows:
 - (i) Photocopying per double-sided sheet at 10p per black and white A4 sheet and 20p per colour A4 sheet.
 - (ii) Electronic format: We do not charge for emailing electronic information. If you ask us to provide information on a memory stick or other device, we will charge for the cost of the equipment. In most cases, we expect the cost will be less than £10.
 - (iii) Postage costs are recharged at the rate we pay to send the information to you by Royal Mail First Class.

11. For pre-printed publications we will charge no more than the costs, per copy, to have the publication printed.
12. Please note that this charging schedule does not apply to any commercial publications (see Class 8 of the Commissioner's Guide to Information). These items are offered for sale through retail outlets such as book shops, academic journal websites or museum shops and their price reflects a "market value" which may include the cost of production.

Information disclosed in response to a FOISA/EIRs request

13. This part of our charging policy applies to information we don't routinely publish through our publication scheme, but which we disclose in response to an information request made under FOISA or the EIRs.
14. If you would like to know more about asking for information from us (or any other Scottish public authority), please see our guides at www.itspublicknowledge.info/YourRights/.

What may we charge for?

15. We do not charge for:
 - the time it takes us to decide whether we hold the information you asked for
 - the time it takes us to decide whether the information can be disclosed.
16. Charges may be made for:
 - the staff time taken to locate and retrieve the information and
 - for providing it to you.

Calculating charges

17. Charges for providing the information are calculated on the basis of the actual cost to the Scottish Information Commissioner.
18. Staff time is charged up to a maximum of £15 per hour per member of staff.

Charge waiver

19. We do not charge for information which costs less than £100 to provide to you.
20. Where information costs between £100 and £600 to provide to you, we may ask you to pay 10% of the cost of providing it.

For example, if you were to ask us for information that costs us £600 to provide, you could be asked to pay no more than £50. This fee is calculated on the basis of a waiver for the first £100 costs of providing the information and 10% of the remaining £500.

21. Where information costs over £600 to provide to you, we may ask you to pay the additional cost over that amount in full.

For example, if you were to ask us for information that costs us £800 to provide, you may be asked to pay £250. This fee would be calculated on the basis of a waiver for the first £100

costs of providing the information, 10% of the next £500 costs, and full cost recovery for cost over £600 (in this example, £200).

22. We may refuse to deal with requests for non-environmental information which would cost more than £600 to provide if we consider the request is manifestly unreasonable.

Requests for re-use of our information

23. All our published information is made available under the [Open Government Licence](#) which sets out what you can and cannot do with it.
24. There is no charge to re-use information downloaded from our website.
25. If you want us to provide the information in a different format, we will ask you to pay the actual cost to the Commissioner of providing the information to you in that way e.g. the cost of printing, or of equipment used, such as a memory stick.
26. Staff time is charged up to a maximum of £15 per hour per member of staff

Fees Notice

27. If we intend to make a charge we will contact you before we send any information. We will issue you a Fees Notice which sets out the charge and how it has been calculated. The notice will tell you how to pay the fee to us. It will, where relevant, offer advice and assistance to help you narrow your request to reduce or avoid charges altogether.
28. If you receive a Fees Notice, you can decide whether to pay for the information or to take up our offer of advice and assistance.
29. If we do not hear from you within 20 working days of issue of a Fees Notice, we will assume that you have withdrawn your request.

Contact Us

30. We can provide advice and assistance to anyone who would like to request information from the Scottish Information Commissioner. For more information contact:

The Scottish Information Commissioner
Kinburn Castle,
Doubledykes Road,
St Andrews
KY16 9DS

T: 01334 464610

enquiries@itspublicknowledge.info

www.itspublicknowledge.info

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS

t 01334 464610

enquiries@itspublicknowledge.info

www.itspublicknowledge.info

© Scottish Information Commissioner 2024

You may use and re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence v3.0. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>