



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

# **CROFTING COMMISSION POLICY ON CHARGING FOR INFORMATION**

**VERSION 0.3**

Last Review: 22 November 2017

Next Review: 22 November 2018

## **SCOPE**

This document describes what the Crofting Commission charges for information that is provided under the Data Protection Act 1998 (DPA), the Freedom of Information Scotland Act 2002 (FOISA) and the Environmental Information Regulations 2005 (EIR).

## **WE DO NOT CHARGE FOR MOST INFORMATION**

### **DPA – INFORMATION ABOUT YOURSELF**

- The Data Protection Act states we can charge you £10 for a request.

### **EIR – INFORMATION ABOUT THE ENVIRONMENT OR MATTERS AFFECTING IT**

- There are 3 types of requests:
  - Straightforward requests which take less than a day to process (these will be processed free of charge);
  - Larger or more complex requests, where we will give you an estimate of the cost that you will have to pay before we provide the information;
  - Very large requests which we may not be able to process.
- Please see [Appendix A](#) to view a schedule of charges.

### **FOISA – ALL OTHER INFORMATION**

- We do not charge you for information under FOISA. However, if we estimate that it would cost the Commission £600 or more to compile the requested information under FOISA we will not provide it. In such cases, we will offer to discuss with you ways to reduce the size of the request, so that it can be processed.

### **CALCULATING THE COST OF THE PROVISION UNDER FOISA**

- When estimating the cost, we will include all costs likely to be incurred in:
  - Determining whether we hold the information requested
  - Locating the information or documents containing the information
  - Retrieving such information or documents, and
  - Extracting the information from the document containing it (including redacting information)
- We will not include in the calculation the cost of the time we spend deciding whether or not it is in the public interest to disclose information.

## **PAYMENT OF DPA/EIR FEES**

- We tell you the estimated charge before doing any charged work.
- Where charges apply, we require payment before compiling and supplying information. We accept payment by cheque or postal order.
- If you do not pay within three months of being notified of the charge, the request will be closed.

We do not charge for supplying information in an alternative format if you are covered by the Disability Discrimination Act.

## **SCHEDULE OF CHARGES FOR REQUESTS UNDER EIR**

Under Environmental Information Regulations a reasonable charge may be made for supplying information. This may include the actual costs of staff time taken to locate information and put it in an appropriate format for release, and the costs in transferring the information to the requestor.

### **WHAT CAN BE CHARGED**

There are two types of activity under EIR that public authorities can charge for:

- 1 The cost of staff time spent locating, retrieving and extracting the information.
- 2 The costs incurred when printing or copying the information and sending to the applicant.

The Commission must be able to demonstrate why a charge in a particular case is reasonable. The Commission must provide a breakdown of charges so the requestor can understand the basis for the fee.

### **WHAT CANNOT BE CHARGED FOR**

There are three costs the Commission cannot charge for:

- 1 The costs of maintaining a register of information or a database.
- 2 Overhead costs (e.g. wider staff overheads).
- 3 Staff time spent reviewing information (although there are cases where staff time in this instance can be taken into account when considering if a request is Vexatious/Manifestly Unreasonable due to excessive burden on staff resource and time).

We also cannot charge requestors for inspecting the information or accessing public registers or lists of environmental information.

The Commission cannot make a charge specifically for allowing access to the information in situ. However, EIR does allow the Commission to make a charge to recover the costs of locating the information and collating it in order to make it available for inspection. A charge made for locating and collating information to be inspected must be 'reasonable'.

If the information is held in a system that allows for straightforward public access it is unlikely that a charge is reasonable. If a requestor asks for inspection of material that would require a significant cost to prepare for inspection, the EIR allows the authority to make a charge.

## **SCHEDULE OF CHARGES**

Public authorities must have a published schedule of charges in order to be able to charge applicants for environmental information. Currently the Commission uses the following rates:

- Photocopying/Printing:
  - A4 (b&w) 10p per printed side
  - A3 (b&w) 20p per printed side
  - A4 (colour) 30p per printed side
  - A3 (colour) 60p per printed side
- CD/DVD – £1.50 per Disc
- £15 – as the hourly rate for calculating the value of staff time. The Scottish Information Commissioner has indicated that it is reasonable for public authorities to use the rate under the FOI Act of no more than £15.
- The following are activities which the Commission may include under the value of staff time which will form the basis for any estimate of charging:
  - Reviewing e-mails
  - File checks within network and file storage
    - Historic Files (prior to 2010): the first 50 pages at £40, with £1 per page following
  - Other document checks, hard copies etc.
  - Third Party Consultation: discussions/consultations with any affected third party
  - Liaison with Officers
  - Corporate & Customer Services Team log and allocate to an officer
  - Final approval for accuracy of the information / 'sign off'
  - Time taken to determine whether the Commission holds the information (if not covered above)
  - Time taken to locate the information (if not covered above)
  - Time taken to retrieve the information (e.g. from storage) (if not covered above)
  - Time taken to extract the relevant information from larger documents (not including editing/redaction) (if not covered above).

## **CHARGING THRESHOLD**

The Commission will only charge for EIR requests where the time taken to comply with the request is estimated to exceed 1 working day. This is the Commission's assessment of a fair threshold to allow for the majority of requests to be handled without charge (and therefore to comply with the requirement not to allow charging to be seen as a deterrent to requests), but equally to protect the Commission's resources against large and complex requests.

As stated, staff should use the Commission schedule of costs to estimate how long it will take to comply with a request. If complying with a request will exceed the 1 working day threshold, the requestor will be charged for the total number of hours it takes to complete the request. For example, if it is estimated that complying with a request will take 8 hours, the requestor will be charged for 8 hours, not just for the 24 minutes that exceeds the threshold.

## **MANIFESTLY UNREASONABLE**

Where it is estimated that complying with a request will exceed 18 hours, the Commission will consider whether the request is in fact Manifestly Unreasonable under Regulation 12(4)(b) of EIR, and will use existing procedures for doing so; including applying the Public Interest Test and providing advice and assistance to the requestor in order to narrow down the scope of their request.