

# The Campaign for Freedom of Information in Scotland

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## **Fees for information under the Freedom of Information (Scotland) Act 2002**

### **Response to a consultation by the Scottish Executive**

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In general we are very happy with the proposals set out in the consultation document.<sup>1</sup> They represent a positive attitude towards disclosure, which envisages that most requests will be dealt with free of charge and that where fees are charged they are likely to be modest.<sup>2</sup>

We note that while charges for staff time will be subject to a statutory maximum (of £15 per hour, for which the applicant could be charged £1.50) other cost elements are not. It may not be safe to assume that authorities' photocopying charges will necessarily be limited to 5p or 10p per sheet. Surveys of photocopying charges for planning documents sometimes reveal extremely high charges of several pounds per page. Indeed, we understand that the Scottish Information Commissioner has rejected a number of proposed publication schemes because of the unreasonable charges proposed. We think it would be advisable to specify a maximum photocopying charge in the fees regulations. It may also be helpful to specify that the cost charged for storage media on which information may be provided (eg CDs) should not exceed the purchase price of the materials themselves.

We have previously mentioned our concern that there should be some mechanism to require authorities to respond to important requests involving matters of substantial public interest even if the cost exceeded £600. The present proposals provide such a mechanism. Although any one request might be capped at £600, the applicant could make a separate request for the additional information. The final paragraph of the draft guidance makes clear that the Executive is not proposing to take the powers mentioned in section 12(2)(a) of the Act to aggregate the costs of two or more related requests made by the same person and refuse them insofar as the total costs exceed £600. So long as this remains the case, our previously mentioned concern would not arise.

The only power to aggregate costs which appears in the regulations, applies only where related requests are made by *different* persons, and even then the authority is only permitted to aggregate the costs (and refuse the information which costs more than £600 to locate) if it *publishes the information* to the public at large. This would allow an authority faced with, say, 100 identical requests, to publish the information instead of dealing individually with each separate request. So long as there is no excessive charge for such a publication, that seems a reasonable approach.

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<sup>1</sup> Freedom of Information (Scotland) Act 2002. A Consultation on Charging Fees.  
<http://www.scotland.gov.uk/consultations/government/cocf-00.asp>

<sup>2</sup> These envisage that authorities could charge for 'disbursements' such as copying and postage plus up to 10 per cent of the costs of locating and retrieving requested information. The charge for staff time could not exceed £15 per hour. The first £100 of costs relating to the finding of information would be waived. Thereafter the applicant could be charged up to £1.50 an hour (10% of £15). The authority would not be obliged to deal with a request insofar as the costs exceeded £600. But there would be nothing to stop the applicant making a follow-up request for information previously refused because this cost limit had been exceeded.