

## Freedom of Information Act

### MINISTERIAL COMMITMENTS ON FEES

During pre-legislative scrutiny of the draft FOI Bill the Home Office told the Public Administration select committee:

*“we propose to allow authorities discretion to charge up to 10 per cent of the marginal costs of providing information and in addition the full cost of disbursements...The costs would relate to locating the information and preparing it for disclosure”<sup>1</sup>*

During the Bill’s committee stage, Home Office minister Mike O’Brien stated:

*“We have decided to apply a charge equivalent to 10 per cent of marginal costs... Unlike other jurisdictions, we are limiting the application to the marginal cost of locating and finding the information.”<sup>2</sup>*

In response to an amendment proposed during committee Mr O’Brien stated:

*“The basic regulations will lay down a method for calculating fees; 10 per cent of marginal costs.”<sup>3</sup>*

Later he said:

*“we have...made it clear that the charge to applicants will not exceed 10 per cent. of those marginal costs.”<sup>4</sup>*

The Home Secretary, Jack Straw, told MPs at report stage:

*“The cost of complying with a request is the cost of locating information, plus disbursements, but authorities may charge only up to 10 per cent of those marginal costs.”<sup>5</sup>*

Lord Bach told peers during the Lords report stage:

*“The Government have published their draft fees regulations. The policy is that the maximum fee should be 10 per cent of the marginal costs of seeking and finding the information”<sup>6</sup>*

The published Act is accompanied by a set of official Explanatory Notes which state:

*“It is proposed that the regulations governing fees will specify that up to 10% of the reasonable marginal costs of complying with the request may be charged. This will be a maximum figure and there will be no requirement on an authority to charge the full 10%, or indeed to charge anything.”<sup>7</sup>*

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<sup>1</sup> Select Committee on Public Administration. Third Report, Session 1998-99, Freedom of Information Draft Bill. Volume 1. Annex 6, Notes by the Freedom of Information Unit, Home Office on the Draft Bill, paragraph 26.

<sup>2</sup> Standing Committee B, Freedom of Information Bill, 4th Sitting, 18 January 2000, col. 87

<sup>3</sup> Commons Hansard, Standing Committee B, 4th Sitting, 18 January 2000, col.95

<sup>4</sup> Commons Hansard, Standing Committee B, 5th Sitting, 18 January 2000, col.113

<sup>5</sup> Commons Hansard, 4 April 2000, Column 933

<sup>6</sup> Lords Hansard, 14 Nov 2000, Columns 186-7

<sup>7</sup> Freedom of Information Act 2000, Explanatory Notes, paragraph 51