

Charging for Information Policy

Scottish Information Commissioner



Scottish Information
Commissioner

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Glossary and abbreviations

Term used	Explanation
FOISA	The Freedom of Information (Scotland) Act 2002
EIRs	The Environmental Information (Scotland) Regulations 2004
SIC, The Commissioner	The Scottish Information Commissioner

SIC Charging for Information Policy

Introduction

1. The Freedom of Information (Scotland) Act 2002 (the Act) and the Environmental Information (Scotland) Regulations 2004 (the Regulations) 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 (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 the Act and the Regulations.
3. The Commissioner is also a data controller for the purposes of the General Data Protection Regulation and the Data Protection Act 2018 and so is obliged to respond to subject access requests for personal data held by the SIC.
4. This policy sets out the charges the Commissioner might make for providing access to information held.

Published information

5. This section applies to information which the Commissioner publishes through the Model Publication Scheme. The Commissioner has produced a Guide to Information (www.itspublicknowledge.info/GuidetoInfo/) which sets out the information we make available through the scheme.
6. All information on the Commissioner's website www.itspublicknowledge.info is available to download for free.
7. If you would like us to print information from the website, or published information which isn't yet on our website, we may charge for providing the information, but we will not charge you more than it actually costs us to print and send to you.
8. 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: e.g. CD Roms at 50p per disc, memory stick ranging from £4.99 to £19.99 depending on the amount of information (we estimate £10 would be adequate for most requests).
 - (iii) Postage costs are recharged at the rate we pay to send the information to you by Royal Mail First Class.
9. When providing copies of pre-printed publications we will charge no more than what it cost us, per copy, to have the publication printed.
10. Please note that this charging schedule does not apply to our 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.

Charges for information available only by request

11. This part of our charging policy applies to information which we do not routinely publish, but which anyone can request from us. It applies to all requests, whether for environmental or non-environmental information.
12. If you would like to know more about asking for information from us (or any other Scottish public authority) for information, please see our guides at www.itspublicknowledge.info/YourRights/ .

What may we charge for?

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

Calculating charges

15. Charges are calculated on the basis of the actual cost to the Scottish Information Commissioner of providing the information.
16. Staff time is charged at the average hourly rate of pay for the grade(s) of the staff responding to the request, up to a maximum of £15 per hour per member of staff.

Charge waiver

17. We do not charge for information which costs less than £100 to provide to you.
18. 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.
19. 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).
20. Please note that the Commissioner may refuse to deal with requests for non-environmental information which would cost more than £600 to provide .

Requests for your own personal data

21. This section applies to subject access requests to the Commissioner for personal data, in terms of the General Data Protection Regulation and the Data Protection Act 2018. Our general policy is not to charge for subject access requests. A charge may be made if, e.g.:
 - (i) your request is very unreasonable (“manifestly unfounded”);
 - (ii) your request is excessive; or
 - (iii) your request is for copies of information we have already given to you.
22. You can find out more about your right to access your own personal data in our [Privacy Notice](#)¹.

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 the information.
24. There is no charge to re-use information downloaded from our website.
25. If you require information in any other format, we will charge you for the actual cost to the Commissioner of providing the information to you in that way e.g., cost of printing, CD or flashdrive.
26. Staff time is charged at the hourly rate of pay for the grade(s) of the staff responding to the re-use request.

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 also 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 are pleased to provide advice and assistance to anyone who would like to request information from the Scottish Information Commissioner. Our enquiry service is open 9.00 am to 5.00 pm Monday to Friday, or you can email us. Our contact details are on the back page of this policy.

¹ <http://www.itspublicknowledge.info/home/privacy.aspx>

Document control sheet

Document Information	
Full name of current version: Class, Title, Version No and Status. <i>E.g. C5 Key Documents Handbook v01 CURRENT ISSUE</i>	C1 Charging for Information Policy v02 CURRENT ISSUE
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Corrections / Unplanned or Ad hoc reviews (see Summary of changes below for details)	
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Summary of changes to document				
Date	Action by <i>(initials)</i>	Version updated <i>(e.g. 01.25-36)</i>	New version number <i>(e.g. 01.27, or 02.03)</i>	Brief description <i>(e.g. updated paras 1-8, updated HOPI to HOOM, reviewed whole section on PI test, whole document updated, corrected typos, reformatted to new branding)</i>
05/02/2015	KB	02.01	02.02	New approved major version 02 created, DCS updated, published on website
12/04/16	SH	02.02	02.03	Suggested changes to reflect the introduction of the Re-use of Public Sector Information Regulations and forwarded to HOOM as RM for consideration
16/06/16	SH	02.03	02.04	Added above explanation for version change and informed FAM
13/07/16	DL	02.04	02.05	Changes accepted & DCS style updated
14/07/16	LB	02.05	02.06	Appendices header removed from DCS, VC number & publish date updated in DCS
04/10/16	DL	02.06	02.07	Opened in edit mode in error, version discarded
07/11/16	SH	02.07	02.08	Amendment to para 21 (WSMTM decision 04/10/16 re when charges may be imposed for subject access requests)
29/11/16	DL	02.08	02.09	Amendment approved
30/11/16	LB	02.09	02.10	DCS updated and document republished
22/02/18	KB	02.10	02.11	DCS updated, published on website
26/10/18	LC	02.11	02.12	Suggested changes to reflect GDPR/DPA 2018 re charging for SARs
29/10/18	SH	02.12	02.13	Addition of a footnote reference to Privacy Notice, removed contact details within text, adding reference to back page
29/10/18	SH	02.13	02.14	Changes accepted and approval on behalf of HOCS
29/10/18	KB	02.14	02.15	DCS updated, published on website

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