

# SOUTH AYRSHIRE COUNCIL

## INFORMATION CHARGING SCHEDULE

### 1. Introduction

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.

South Ayrshire Council is a Scottish public authority and therefore subject to the requirements of the Act and the Regulations. The Council is also a data controller for the purposes of the Data Protection Act 1998 and is therefore obliged to respond to subject access requests for personal data that it holds.

This Schedule sets out the charges the Council may make for providing access to information it holds.

This is South Ayrshire Council's Schedule of Fees for the purposes of the Environmental Information (Scotland) Regulations 2004.

### 2. Published Information

This section applies to information and guide to information which the Council publishes through the Model Publication Scheme. The Publication Scheme sets out the information the Council makes available through the Guide to Information. The Publication Scheme can be found at:

<http://www.south-ayrshire.gov.uk/documents/foipublicationscheme.pdf>

All information on our website [www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk) is available to download for free.

If you would like us to print off information from the website, or published information which isn't yet on our website, we may charge for providing information. However, we will charge you no more than it actually costs us to provide it to you.

Where charges are made, they are as follows:

- Photocopying per double-sided sheet at 10p per black and white A4 sheet and 30p per colour A4 sheet.
- CD Roms are charged at £1 per CD-ROM/DVD.
- Postage costs are charged at the rate we pay to send the information to you by Royal Mail First Class.

When providing copies of pre-printed publications we will charge no more than what it costs us, per copy, to have the publication printed.

Please note that this charging schedule does not apply to our commercial publications, for further information on commercial publications, please see Section B – 8) of the Guide to Information.

### 3. Pre-printed Publications

There are a small number of pre-printed publications for which South Ayrshire Council makes a charge.

These documents include, for example, the Local Plan. We do not make any charge for the inspection of any of the information which is made available via the classes in this publication scheme.

These publications will be charged according to how much it actually costs the Council to have them professionally printed. For example, if South Ayrshire Council has produced a formal report, and it costs us £500 to print a stock of 100 reports, then the actual printing cost paid by the Council is £5 per report.

We therefore reserve the right to charge you up to £5 each for a copy of the report – plus actual postage costs, as charged by the Royal Mail – but no more than this.

Please note that, if you are interested in a large printed document, we can provide you with photocopies of selected relevant pages rather than charge you for a full printed copy of the document. The photocopying charges that would apply are as set out in the table above. Our staff can advise you.

### 4. Charges for information available only by request

This part of our charging schedule 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.

If you would like to know more about asking for information from us please see <http://www.south-ayrshire.gov.uk/foi/>

#### ***What may we charge for?***

We do not charge for the time taken to determine whether we hold the requested information, nor for the time it takes us to decide whether the information can be released, nor for the time it takes us to decide whether to disclose the information in full or whether parts should be redacted (blanked out). Charges may, however, be made for the staff time taken to locate, retrieve and redact the information and for providing it to you.

### ***Calculating charges***

Charges are calculated on the basis of the actual cost to the Council of providing the information.

#### Freedom of Information (Scotland) Act 2002

Staff time is charged at the 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.

#### Environmental Information (Scotland) Regulations 2004

Staff time is charged at the **actual** hourly rate of pay for the grade(s) of the staff responding to the request. Staff time will be charged on the basis of member(s) of staff of an appropriate grade(s) and with appropriate skills and knowledge to deal with the request.

### ***Charge waiver***

#### Freedom of Information (Scotland) Act 2002

We do not charge for information which costs less than £100 to provide to you.

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.

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, (£50) and full cost recovery for the cost over £600 (in this example, £200).

Please note that the Council **may refuse** to deal with requests for non-environmental information ("Fol requests") which would cost more than £600 to provide.<sup>1</sup>

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<sup>1</sup>As permitted by Section 12 of the Freedom of Information (Scotland) Act 2002 and associated Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004. There is no similar provision in the Environmental Information (Scotland) Regulations 2004.

## Environmental Information (Scotland) Regulations 2004

Unlike requests for information made under the Freedom of Information (Scotland) Act 2002, there is no upper limit or lower cost limits for requests for information relating to the environment under the Environmental Information (Scotland) Regulations 2004. We may, however, elect to waive a small fee if satisfied that it would be uneconomical to issue a fees notice and process payment.

### **5. Requests for your own personal information**

An individual may request their own personal information. This is known as a 'Subject Access Request' in terms of the Data Protection Act 1998, for personal data. We may charge a maximum of £10 for supplying the information.

### **6. Fees Notice**

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 Fees 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.

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.

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.

### **7. Contact Us**

Any enquiries in relation to this Schedule and the Council's compliance with the FOI and EIR legislation should be directed to the Council at the following address:

**Administration and Information Co-ordinator**  
**Resources, Governance and Organisation**  
**South Ayrshire Council**  
**County Buildings**  
**Wellington Square**  
**Ayr**  
**KA7 1DR**  
Telephone number: 01292 612462  
E-mail: [foi@south-ayrshire.gov.uk](mailto:foi@south-ayrshire.gov.uk)

Any enquiries relating to Subject Access Requests under the Data Protection Act 1998 should be directed to the Council at the following address:

**Data Protection Officer**  
**Resources, Governance and Organisation**  
**South Ayrshire Council**  
**County Buildings**  
**Wellington Square**  
**Ayr**  
**KA7 1DR**

Telephone number: 01292 612883

E-mail: [Dataprotection@south-ayrshire.gov.uk](mailto:Dataprotection@south-ayrshire.gov.uk)