

## **The Freedom of Information (Scotland) Act 2002** **Fees Provisions**

### **The Law**

- Section 12 and 13 of the Freedom of Information (Scotland) Act 2002
- The Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004 No: 467
- The Freedom of Information (Fees for Disclosure under Section 13) (Scotland) Regulations 2004 No: 376

### **Basic Rules**

If the Projected Costs of complying with a request for information:

- a) Do not exceed £100 – No fee is payable.
- b) Exceed £100 but are below £600 – The fee payable shall not exceed 10% of the difference between £100 and the Projected Costs.
- c) Exceed £600 – The authority does not have to comply with the request. If it chooses to do so, it cannot charge more than the sum of £50 plus the amount by which the Projected Costs exceed £600.

### **Working out the Projected Costs?**

This is the total cost, direct or indirect, the authority reasonably estimates that it is likely to incur when:

- Locating the information
- Retrieving the information
- Providing the information

Any staff time estimated to be spent doing the above is to be costed at a maximum of £15 per hour per member of staff. If the actual rate is lower than £15 per hour it is the actual figure that should be used.

Note: Projected Costs do not include the cost of finding out whether the authority holds the requested information and considering whether or not to disclose it.

### **Similar Requests:**

Where two or more requests are made by different persons, the authority need not comply with either or both requests if all the following criteria are met:

- a) the information sought covers the same subject or overlaps significantly
- b) the total cost of compliance with all requests would exceed £600
- c) the authority reasonably makes the information available to the public at large
- d) the authority tells all the applicants within 20 working days of receiving the first request that it is going to make the information publicly available in accordance with (c) above
- e) the authority does what it says in (d) above