

BERNESLAI HOMES POLICIES & PLANS



Information Requests Charging Policy Fees

Document Control

Organisation	Berneslai Homes
Title	Information Requests Charging Fees
Author	Data Protection Coordinator
Subject	Charges relating to information requests
Owner	Head of Strategy and Governance
Approved by	Senior Management Team (SMT)
Commencement date	March 2022
Review date	Every two years from data of approval or when changes in law
Review responsibility	Data Protection Coordinator
Applicable to	All Berneslai Homes employees, temporary staff, contractors, board members and anyone working on behalf of Berneslai Homes, Customers, Applicants and members of the public
Regulatory Framework	Freedom of Information Act 2000; Environmental Information Regulations 2004; Data Protection Act 2018

Revision History

Date	Version	Author	Comments
March 2022	0.1	Data Protection Coordinator	Draft
July 2022	1.0	Data Protection Coordinator	Approved SMT June 2022, Published

Consultation and distribution

Type	Details
Consultation	Senior Management Team
Distribution	All Berneslai Homes employees, temporary staff, contractors, board members and anyone working on behalf of Berneslai Homes, Customers, Applicants and members of the public

1. Requests made under the Freedom of Information Act 2000

Fee Regulations

Calculations of charges provided within this policy are in line with the Freedom of Information (appropriate limits and fees) Regulation 2004.

Cost estimations for processing requests

When Berneslai Homes estimates the cost of complying with a written request for information, Berneslai Homes will consider the staff time involved to:

- Determine if the information is held
- Locate the information or a document that may contain the information requested
- Retrieve and extract the information or a document request that may contain the information

The cost for the activities as stated above will be calculated by Berneslai Homes applying an hourly rate of **£25 per person**. This rate has been set by central government and forms part of the Fees Regulations.

However, Berneslai Homes cannot take into account, when calculating the cost to process requests, the time taken to consider if the information is exempt under the Freedom of Information Act.

In all cases, Berneslai Homes will ensure that costs will be reasonable.

When the cost to process a request is below £450

When the cost of complying with a written request for information is estimated to be below £450 (or below 18 hours), there will be **no charge** unless the disbursement costs for printing, copying and postage **exceeds £5**.

Where the disbursement costs exceed £5, the applicant will be issued by Berneslai Homes with a fees notice. The requester for information must pay those costs within a period of 3 months before Berneslai Homes can comply with the request.

Disbursements costs applied by Berneslai Homes are shown below in this policy.

When the cost to process a request exceeds £450 (or 18 hours)

In accordance with the fee regulations set by central government, Berneslai Homes is not obliged to respond to a written request for information, when it estimates that the cost of complying with the request will be in excess of £450 (which equates to 18 hours of work at £25 per hour).

Section 12 of the Freedom of Information (FOI) Act allows Berneslai Homes to refuse to deal with a request when it estimates that it would exceed the appropriate limit of £450 or 18 hours. As a result, Berneslai Homes will refuse to provide information, although Berneslai Homes will discuss with the requester whether the request can be modified to reduce the cost.

Campaign requests

If Berneslai Homes receives two or more related information requests within a period of 60 consecutive working dates, from the same individual or different individuals who appear to be acting in concert or in pursuance of a campaign, the costs of complying with the individual requests will be aggregated.

Berneslai Homes disbursements

Photocopies and printed copies

A4 black and white	10 pence per sheet
A4 colour	60 pence per sheet
A3 black and white	20 pence per sheet
A3 colour	90 pence per sheet

Requesters may also be expected to meet the costs for postage and packaging. Postage costs will therefore also apply and will vary per document.

Electronic Media

Email attachments will incur no charge

No charges

Berneslai Homes will not charge for the following:

- When providing information in an alternative format if there is a statutory obligation to do so. For example, Berneslai Homes cannot charge for the costs of translating information into Welsh where it is already required to do so under the Welsh Language Act 1993.
- Similarly, we cannot charge for the costs of putting the requested information into an alternative format, i.e., Braille, large print or on an audio tape, if this reformatting is required to meet the requirement to make reasonable adjustments for disabled persons in accordance with the Equalities Act 2010.

2. Request made under the Environmental Information Regulations

Under the Environmental Information Regulations (EIR), Berneslai Homes cannot charge for:

- allowing access to any public register; and

- allowing any person to examine relevant information (at a location and time agreed by Berneslai Homes)

In all other instances, Berneslai Homes reserves the right to charge a fee for complying with requests for information under the EIR. Regulation 8(1) of the EIR states that a public authority **has discretion to charge** for making environmental information available

Berneslai Homes will charge the applicant for making environmental information available. Any charge made under EIR will be reasonable. In general, a reasonable charge is one that covers the actual costs incurred by Berneslai Homes to produce the information requested— for example, the costs incurred in photocopying and printing. The cost of staff time taken to locate information can also be considered.

Berneslai Homes will only take this into account in circumstances when work is required to identify, locate and prepare the information prior to disclosure.

The cost of staff time will be calculated using the same charge as outlined above for FOI requests – that is, at £25 per hour (irrespective of the 18-hour threshold, which does not apply under EIR). Disbursement costs will be calculated using the charges outlined above.

3. Requests made under Data Protection legislation

Under current data protection legislation, individuals can request their personal information (referred to as Data Subject Access Requests) from Berneslai Homes free of charge.