

Charging for Information



Scope

This document describes the charges that the Crofting Commission uses for providing information, covering the Freedom of Information Scotland Act 2002 (FOISA) and the Environmental Information Regulations 2004 (EIR).

We do not charge for most information

There are 3 types of requests we receive and deal with:

1. Straightforward requests which take less than a day to process (these will be processed free of charge)
2. Larger or more complex requests, where we may have to give you an estimate of the cost that you will have to pay before we provide the information
3. Very large requests which we may not be able to process.

Please see our schedule of charges at the bottom of this page for more information.

Data Protection – Information about yourself

We do not normally charge for processing or providing this information.

Freedom Of Information (Scotland) Act (FOISA)

We do not charge you for information under FOISA. However, if we estimate that it would cost the Commission £600 or more to compile the requested information under FOISA, we will not provide it. In such cases, we will discuss with you ways to reduce the size of the request, so that it can be processed.

Calculating The Cost of Providing Information Under FOISA

When estimating the cost, we will include all costs likely to be incurred in:

- Determining whether we hold the information requested
- Locating the information or documents containing the information
- Retrieving such information or documents, and
- Extracting the information from the document containing it (including redacting information).

We will not include in the calculation the cost of the time we spend deciding whether or not it is in the public interest to disclose information.

Environmental Information Regulations (EIR) – Information About the Environment or Matters Affecting It Under Environmental Information Regulations a reasonable charge may be made for supplying information. This may include the actual costs of staff time taken to locate information and put it in an appropriate format for release, and the costs in transferring the information to the requestor.

What Can Be Charged

There are two types of activity under EIR that public authorities can charge for:

1. The cost of staff time spent locating, retrieving and extracting the information.
2. The costs incurred when printing or copying the information and sending to the applicant.

The Commission must be able to demonstrate why a charge in a particular case is reasonable. The Commission must provide a breakdown of charges so the requestor can understand the basis for the fee with a request. If complying with a request will exceed the 1 working day threshold, the requestor will be charged for the total number of hours it takes to complete the request. For example, if it is estimated that complying with a request will take 8 hours, the requestor will be charged for 8 hours, not just for the hour that exceeds the threshold.



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What Cannot Be Charged For

There are three costs the Commission cannot charge for:

1. The costs of maintaining a register of information or a database.
2. Overhead costs (e.g. wider staff overheads).
3. Staff time spent reviewing information (although there are cases where staff time in this instance can be taken into account when considering if a request is Vexatious/Manifestly Unreasonable due to excessive burden on staff resource and time).

We also cannot charge requestors for inspecting the information or accessing public registers or lists of environmental information.

The Commission cannot make a charge specifically for allowing access to the information in situ. However, EIR does allow the Commission to make a charge to recover the costs of locating the information and collating it in order to make it available for inspection. A charge made for locating and collating information to be inspected must be 'reasonable'.

If the information is held in a system that allows for straightforward public access it is unlikely that a charge is reasonable. If a requestor asks for inspection of material that would require a significant cost to prepare for inspection, the EIR allows the authority to make a charge.

Charges

Public authorities must have a published schedule of charges in order to be able to charge applicants for environmental information. Please see our schedule of charges at the bottom of this page for more information.

Charging Threshold

The Commission will only charge for EIR requests where the time taken to comply with the request is estimated to exceed 1 working day (7 hours). This is the Commission's assessment of a fair threshold to allow for the majority of requests to be handled without charge (and therefore to comply with the requirement not to allow charging to be seen as a deterrent to requests), but equally to protect the Commission's resources against large and complex requests.

As stated, staff should use the Commission schedule of costs to estimate how long it will take to comply with a request. If complying with a request will exceed the 1 working day threshold, the requestor will be charged for the total number of hours it takes to complete the request. For example, if it is estimated that complying with a request will take 8 hours, the requestor will be charged for 8 hours, not just for the hour that exceeds the threshold.

Manifestly Unreasonable

Where it is estimated that complying with a request will exceed 18 hours, the Commission will consider whether the request is in fact Manifestly Unreasonable under Regulation 12(4)(b) of EIR, and will use existing procedures for doing so; including applying the Public Interest Test and providing advice and assistance to the requestor in order to narrow down the scope of their request.

Payment Of Fees

We tell you the estimated charge before doing any charged work. Where charges apply, we require payment before compiling and supplying information. If you do not pay within three months of being notified of the charge, the request will be closed.

We do not charge for supplying information in an alternative format.

Appendix A - Schedule of Charges

Schedule of Charges	
Type of information or service	Charge
A4 black and white photocopying or printing	10p per printed side
A3 black and white photocopying or printing	20p per printed side
A4 colour photocopying or printing	30p per printed side
A3 colour photocopying or printing	60p per printed side
CD or DVD	£1.50 per disc
Flash drive, including encryption	£75
Staff time	£15 per hour
Historic file charges	
Historic file size	Charge
40 pages and under	£10
41 to 94 pages	£20
95 to 149 pages	£30
First 150 pages	£40
Each additional page after the first 150 pages	£1 per page
Activities that may be included when calculating staff time	
Reviewing emails	
File checks within network and file storage	
Other document checks, including hard copies	
Discussions or consultations with affected third parties	
Liaison with officers	
Logging and allocating the request to an officer	
Final approval for accuracy of the information, or sign-off	
Redacting information so that it can be provided in response to a request	
Determining whether the Commission holds the information	
Locating the information	
Retrieving the information, for example from storage	
Extracting relevant information from larger documents	