



## SCHEDULE OF CHARGES

The information set out below details our charges for providing you with information under the Data Protection Legislation<sup>1</sup>, Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Freedom of Information (Release of Datasets for Re-use)(Fees) Regulations 2013.

Our charges reflect current statutory requirements and guidance.

### 1. Data Protection Legislation

When processing a Subject Access Request under the Data Protection Legislation, we must provide a copy of the information *free of charge*. However, we can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive. Alternatively, we may refuse to respond.

In assessing whether the requests are excessive, we will consider the interval between repeat requests, the nature of the data, the purpose for which they are processed and the frequency with which the data are altered. For example, if the information is archived, historical data that has not been added to or changed since compliance with the previous request, this would suggest that there is no need to respond again. Nonetheless, we would confirm that that is the situation.

We may also charge a reasonable fee to comply with requests for further copies of the same information. This does not mean that we can charge for all subsequent access requests.

Any fee we charge will be based on the administrative cost of providing the information.

In some circumstances, the administration fee may be waived, for example if an individual is on unemployment benefit. Please contact the Data Protection Officer at the address shown below for further details or visit our web site at [www.dartford.gov.uk](http://www.dartford.gov.uk).

Details about how to make a Subject Access Request and application forms are available on our website at [www.dartford.gov.uk](http://www.dartford.gov.uk) Alternatively, write to the Data Protection Officer, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR Email: [dataprotection@dartford.gov.uk](mailto:dataprotection@dartford.gov.uk)

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<sup>1</sup> Data Protection Legislation' means the General Data Protection Regulation (EU) 2016/679) (GDPR) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time and any successor legislation to the GDPR or the Data Protection Act 2018 and all applicable laws and regulations relating to processing of personal data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner

## 2. The Freedom of Information Act 2000

We do not charge for processing requests under the Freedom of Information Act 2000, providing that the cost of processing does not exceed the statutory limit of £450. This allows for 18 hours (two and-a-half-days) of officer time, at a rate of £25 per hour. When estimating how long it will take to process a request, we take into account the time it will take us to locate, retrieve and extract the information requested; the cost of communicating that information to you and staff time spent on carrying out the activities related to supplying the information.

We reserve the right to refuse a request where the estimated cost of processing exceeds £450. However, before refusing a request on this basis, we will always work with you to look at other ways of providing the information so that your request does not exceed the statutory limit.

Where we agree to process a request which exceeds the statutory limit of £450, you will be asked to pay our processing costs at a rate of £25 per hour.

We will ask for advance payment before we process your request and in accordance with the law, you will have 60 working days to pay. However, we take a flexible approach to this part of the law and so if you think you might need longer to pay, please ask us for advice.

### Disbursements

Any disbursements associated with processing your request is payable in all cases. Examples of disbursements include the costs of postage, photocopying and printing. [See the table below for our Disbursements Charges.](#)

Disbursement costs incurred in transferring environmental information to the applicant will usually comprise such items as photocopying and postage.

In determining the actual costs of photocopying, relevant considerations will include the number and size of the sheets to be copied and the licence charge on the photocopying machine. We will consider the actual costs incurred in any particular case, as the cost of reprographics will change over time.

### Making More than One FOI Request

For the purpose of calculating the statutory limit, where we receive two or more requests, within 60 days of each other, from an individual or group of individuals who appear to us to be acting together or in pursuance of a campaign, we may be entitled to aggregate the costs of processing those requests.

## 3. Environmental Information Regulations (EIR)

The EIR allows the Council to charge for making environmental information available, but any such charge must be reasonable. In general, a reasonable charge is one comprising the

disbursement costs involved in transferring the information to you and the staff time taken to locate the information<sup>2</sup>.

If the process of finding and retrieving the information to satisfy a request will take more than 18 hours (2.5 working days) then the Council will charge at a rate of £25 per hour for the amount of time taken to locate the information.<sup>3</sup>

We cannot charge for any costs associated with administrative tasks such as the ongoing cost of holding the information or other staffing costs.

Commercial charges are permitted in limited circumstances.

[See the table below for our Disbursements Charges.](#)

We will ask for advance payment before we process your request and in accordance with the law, you will have 60 working days to pay. However, we take a flexible approach to this part of the law and so if you think you might need longer to pay, please ask us for advice.

#### Commercial<sup>4</sup> charges

Where the Council makes information available on a commercial basis and the charge is necessary to ensure such information continues to be collected and published, we may apply a market-based charge for making information available. The amount charged will include a rate of return such as that achieved by comparable businesses who face a similar level of risk.

## 4. Datasets

The Council is required by law to publish any requested datasets as part of its Publication Scheme, if appropriate. We will release datasets with accompanying details of licence conditions that apply to the re-use of the dataset or otherwise, any limitation on re-use by virtue of third party intellectual property rights.

The requirement to make datasets available for re-use under the Council's Publication Scheme, also extends to an environmental dataset that has been requested, even though the Council has dealt with the request under the EIR.

You have the right to re-use datasets and in most cases this will be the [Open Licence \(based on the Non-Commercial Government Licence\)](#). There is no re-use fee, if the data set is provided under this Licence.

As with FOI requests for any information, you should provide a sufficient description of the dataset sought for us to be able to identify and locate it. We will provide you with assistance to help you describe the dataset more clearly.

**Reusable format-** we will release any dataset as far as reasonably practicable, in an electronic form which is capable of re-use, i.e. a re-usable format. A re-usable format is one that is machine readable, such as Comma-separated Value (CSV) format.

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<sup>2</sup> ICO guidance on Charging for Environmental Information (25.06.2014: version 1.3)

<sup>3</sup> Paragraph 21 of the ICO's guidance

<sup>4</sup> Section 95 Local Government Act 2003 – the Council's commercial trading with private bodies and persons

If you express a preference for the dataset in electronic form, we will provide it in a reusable format. In deciding whether it would be practicable to provide the dataset in a re-usable format, we can take account of all the relevant circumstances such as the time and the cost involved in converting the dataset from a proprietary to a re-usable format and the resources available to us. The legislation does not prescribe any cost limit for determining what is reasonably practicable, but any costs which we take into account, for example the use of an external contractor, will need to be justifiable.

If we conclude that, in all the circumstances of the case, it would not be reasonably practicable to provide the dataset in a re-usable format, then we will provide the dataset in another format.

**Copyright work** – We will ascertain whether copyright and/or database rights ('intellectual property') in the dataset are owned solely by the Council or whether there is a third party interest. Nothing in the legislation overrides the rights of any third parties who may own intellectual property contained in the datasets. If the Council grants a licence to re-use a dataset or part of a dataset containing third party intellectual property without the owner's permission this may constitute an infringement of the third party's rights.

Where there is a third party interest, the Council will permit re-use only of those parts of the dataset that it owns. However, if possible and subject to any confidentiality requirements, the Council will identify who owns the remainder of the rights by the inclusion of an acknowledgment.

In some cases, the Council may charge a fee for making datasets that are relevant copyright works available for re-use (see below). However, in most cases, we will provide the dataset under the terms of the Open Licence. There is no re-use fee, if the data set is provided under this Licence.

**Costs of compliance** – We will deal with a request for a dataset initially in the same way as a request for any information under the Freedom of Information Act 2000 and section 2. above. If the cost of complying with the request under FOI does not exceed £450.00 and the information is not otherwise exempt, we will provide the dataset (subject to any right to charge a fee for making datasets that are copyright works available for re-use).

If you express a preference for the dataset in electronic form, we will provide it in a reusable format, so far as reasonably practicable. We cannot charge for the cost of providing the dataset in a reusable format, but can take into account the cost, time and resources involved in deciding whether it would be reasonably practicable to do so (i.e. the associated cost to the Council may not be justified, when taking into account its resources) e.g. the work involved in converting files, whether any specialist equipment or software is required, whether there is a need to use an external contractor to provide the dataset in a re-usable format etc.

If you have been charged for access to the same information e.g. under a FOI request, we will not make further charges in respect of the collection and production of the information or we will deduct the charge made under FOI from any further charges due for the re-use of information. You may still be required to pay a reasonable return on our investment (see below) e.g. where the Council has made a significant professional or technical input into the creation of the information, beyond simple collection and collation of information or where you propose to make a commercial re-use of the material.

**Fee for re-use of copyright works** - We have the power<sup>5</sup> to charge a fee for making datasets that are our copyright works available for re-use. If we have a power to charge under other legislation, then, any charge we make, will be under that power and not under the Freedom of Information (Release of Datasets for Re-use) (Fees) Regulations 2013.

In a situation where we charge a fee<sup>6</sup> for making datasets that are copyright works available for re-use, then, so far as is reasonably practicable, we will calculate the charge according to the relevant accounting principles (1 April to 31 March) and a reasonable estimate of demand. Furthermore, the total fee will not exceed the cost of collecting, producing, reproducing and disseminating the dataset, plus a reasonable return on investment. These considerations will mainly be relevant to the Council where it operates on a commercial basis in order to cover its costs.

In calculating a reasonable return on investment, the Council reserves the right to impose a fee under a [Charged Licence](#).

The fee charged for making datasets that are copyright works available for re-use, is in addition to any charge the Council may make under FOI and where a standard fee has not been established, we will specify in writing, the factors that will be taken into account in determining a fee.

[Our Disbursement Charges for reproducing information are set out in the table below.](#)

We will ask for advance payment before we process your request and in accordance with the law, you will have 60 working days to pay. However, Dartford Borough Council takes a flexible approach to this part of the law and so if you think you might need longer to pay, please ask us for advice.

## **5. Advance Payment**

An advance payment will be levied in limited circumstances such as when the Council may have to incur additional costs that may be excessive. Each application is considered on its own individual merits.

## **6. Waiver of Costs**

In exceptional cases we may waive the charges of producing information e.g. concessions for pupils, students, pensioners or charitable organisations. Each application is considered on its own individual merits.

## **7. VAT on FOI and EIR Requests**

1. If we are asked for information, and the information is only available from the Council or another public authority, any fees charged would not attract VAT.
2. If we are asked for information that is available from another source (not being a public authority), any fees would attract VAT. This would still be the case even if the Council was obliged to supply the information because the cost of answering was below the threshold of £450.
3. Fees charged for information that is provided in accordance with the Council's Publication Scheme, will attract VAT.

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<sup>5</sup> The Freedom of Information (Release of Datasets for Re-use) (Fees) Regulations 2013 (Re.11(B))

<sup>6</sup> The Freedom of Information (Release of Datasets for Re-use) (Fees) Regulations 2013

## 8. VAT on Licence fees

As detailed in the Licence terms and conditions.

## 9. Challenges to Charges

If you consider that a fee has been wrongly charged under the Data Protection Legislation, FOI or EIR, it is open to you to request an internal review of the decision to impose the charge. Complaints should in the first instance be addressed through the Council's Corporate Complaints Procedure ([www.dartford.gov.uk](http://www.dartford.gov.uk)). If you consider the outcome of the internal review to be unsatisfactory, you may complain to the Information Commissioner ([www.ico.gov.uk](http://www.ico.gov.uk)) whose decision may in turn, be appealed to the First-Tier Tribunal (Information Rights) ([www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk))

## 10. Additional Information

In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making use of our services. We can also help, if English is not your first language. If you need any support in accessing our services, please let us know as soon as possible. For more information, call our Customer Services on 01322 343434 or email [Customer Services](mailto:Customer Services). There is no charge for the provision of an auxiliary aid.

### Table of Disbursement Charges

#### Photocopy (prices in £ per sheet) (non plotter copies)

Paper Size	Black and White 0-6 Sheets	Black and White 7+ Sheets	Colour
A4	Free	0.10	0.20
A3	Free	0.20	0.40
A2 (Plan size)	2.00 per plan		* see note
A1 (Plan size)	2.50 per plan		* see note
A0 (Plan size)	3.50 per plan		* see note

#### Printing (prices in £ per sheet) (non plotter copies)

Paper Size	Black and White 0-6 Sheets	Black and White 7+ Sheets	Colour
A4	Free	0.10	0.20

#### Printing (prices in £ per sheet) (plotter copying)

Paper Size	High Quality	High Gloss
A0	5.50	10.00
A1	2.75	5.00
A2	2.50	2.75

**Audio Visual (price in £ per unit including protective cover)**

Format	
CD	1.50
DVD	2.00
Audio Cassette	Price on Application

**Photographs (price in £ per photograph)**

All sizes	Actual cost of reproduction
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**Email (including scanned images)**

Free of charge
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**Postage**

Variable weight and size	<p>Costs dependent upon weight and size and based upon Royal Mail Standard 2nd class.</p> <p>Where Applicant requests material to be sent by 'Signed For' and 'Special Delivery', these additional costs to be met by Applicant.</p>
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**Inspection**

<p>Access to public registers or lists of environmental information</p> <p>Examination of Council documents at the Council Offices, public library etc including service (excluding photocopying) provided by the</p>	FREE
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Council up to the point of examination Note taking of information by applicant	
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## NOTES

### **\*Maps and Plans**

Requests involving the copying and hand colouring of a coloured map or plan size A2, A1 or A0, will incur additional variable charges. Please ask about costs at the time of making your request.

### **Archive Records**

Requests for information held by Kent Council Council Archives on behalf of Dartford Borough Council may be subject to separate charges. Please ask about costs at the time of making your request.