

Members' Library Service Request Form

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Originator	Dr Renate Gertz
Originator's Ref (if any)	
Document Title	Fees for requests submitted under the Environmental Information (Scotland) Regulations 2004

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Additional information:

Authorised By	Jim Lamond
Designation	Head of Council Resources
Date	07/04/16

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REPORT TO: Members' Library Service

MEETING DATE:

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Fees for requests submitted under the Environmental Information (Scotland) Regulations 2004

1 PURPOSE

- 1.1 To inform Members of the fees to be charged for requests made under the Environmental Information (Scotland) Regulations 2004.

2 RECOMMENDATIONS

- 2.1 Members note the decision on the sum to be charged.

3 BACKGROUND

- 3.1 On 11 June 2013, Cabinet approved the Information Charging Policy, which allows East Lothian Council to charge the statutory fee of £10 for subject access requests under the Data Protection Act 1998, the statutory fee for requests under the Freedom of Information (Scotland) Act 2002 and a 'reasonable amount' under the Environmental Information (Scotland) Regulations 2004.
- 3.2 Before initiating a charging regime for environmental information requests, the definition of a 'reasonable amount' had to be determined. The Council has undertaken a benchmarking exercise to identify how other councils within Scotland handle charging for environmental information. It has been established that most other councils aim to recover the full staff cost of these requests and charge for the time it would take a member of staff on the lowest possible grade to retrieve the information, including time spent on scanning and/or photocopying documents. This regime has already been successfully defended before the Scottish Information Commissioner on appeal by another council. Some councils levy no charge for requests that take under one hour to complete, while others choose not to levy a charge for anything under half an hour.

3.3 The number of requests under Environmental Information (Scotland) Regulations 2004 has been rising steadily over the past years and the burden on council resources has been growing exponentially. Therefore, since all three pieces of legislation expressly permit charging, it is deemed appropriate that East Lothian Council now charges for environmental information requests. It is proposed to recover full staff costs for cases which will take more than one hour to complete with immediate effect.

4 POLICY IMPLICATIONS

4.1 None

5. EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the well being of equalities groups and Equality Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial – Full recovery of staff costs for cases which take more than one hour to complete will be achieved

6.2 Personnel – None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Information Charging Report 11 June 2013

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