

## Members' Library Service Request Form

Date of Document	
Originator	Kirstie Macneill
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	06/05/19

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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

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**1 PURPOSE**

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

**2 RECOMMENDATIONS**

- 2.1 Members should note the change to the threshold for charging.

**3 BACKGROUND**

- 3.1 On 11 June 2013 Cabinet approved and adopted the Information Charging Policy that states that a "reasonable amount" should be charged for processing requests for information made under the Environmental Information (Scotland) Regulations 2004. (EIRs)
- 3.2 In determining what a "reasonable amount" should be, officers undertook a benchmarking exercise in 2016 to identify how other Councils imposed charges for this work. It was established that most Councils aimed to recover full staff costs for these requests and charged for the time it would take a member of staff on the lowest possible grade commensurate with the knowledge and expertise required to retrieve the information, including the time spent on scanning and/to photocopying documents. This regime had been successfully defended before the Scottish Information Commissioner on appeal by another Council. <http://www.itspublicknowledge.info/ApplicationsandDecisions/Decisions/2013/201201600.aspx>

- 3.3 Some other Councils levied no charge for requests that took less than one hour to complete, while others chose not to levy a charge for anything under half an hour.
- 3.4 In 2006 it was deemed appropriate by officers to recover full staff costs for requests that would take more than one hour to complete.
- 3.5 Given the current budgetary challenges and the requirements of the Council's over-arching Charging Policy that was revised in March 2019, it is no longer sustainable to continue with the current practice of not charging for requests that take less than one hour to complete. The Council requires to ensure full cost recovery within the confines of what will be acceptable to the Scottish Information Commissioner.
- 3.6 The Council will therefore publish a fees schedule for all requests made under the EIRs and will issue fees notices for all such requests received immediately thereafter. The Fees Schedule and fees notices will be based on full cost recovery.

#### **4 POLICY IMPLICATIONS**

- 4.1 None.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – This will result in some increased income generation for the Council that will serve to mitigate the impact on staff time and resources caused by these types of requests for environmental information.
- 6.2 Personnel - None
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 Information Charging Report
- 7.2 East Lothian Council Charging Policy 2019

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