



# Guidance on FOI Fee Regulations

Policy Owner: General Counsel and University Secretary)

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## Guidance on FOI Fee Regulations

The FOI (Appropriate Limit and Fees) Regulations 2004 is secondary legislation that confirm the Government's approach that there should be no financial barrier to people in exercising their rights under the Freedom of Information Act 2000 (The Act), and setting out a clear expectation that there will be no charges for the vast majority of requests.

The main points of the fee regulations are:

- A request can be refused under the provisions of s.12 of the FOIA only if the cost for searching and collation exceeds £450. The figure of £450 equates to two and a half days, or 18 hours of searching time by an employee because the costs should be estimated at £25 per hour.
- In calculating whether answering the request would exceed the £450 limit, the following costs can be taken into account:
  - Determining whether the information is held;
  - Locating the information or a document containing it
  - Retrieving it; and
  - Extracting the information (including editing).

We cannot take into account the costs of considering whether the information is exempt under the Act.

- If the request will cost less than the £450 limit, and there is no exemption that is engaged, then we must answer the request. The only charges that can be made are for postage, printing and photocopying.
- If the postage, printing and copying costs are low, the University will not make a charge.
- If the cost of answering the request is more than £450 then we can choose to charge a fee. The maximum fees we can charge will include the total estimated costs of:
  - Determining whether we hold the information, locating and retrieving it, and the extracting the information from any document containing it; and
  - Informing the requestor we hold the information, and then communicating it (by means of postage, printing and photocopying).

- There is a general duty under the Act for the University to provide advice and assistance, and if the cost of complying would exceed £450, then we are required to assist the requestor in modifying their request to reduce the cost. Examples should be given, if possible on what information can be provided.

If the applicant does not agree with the proposed fee, they can appeal to the Information Commissioner.