

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the fees which may be charged by a Scottish public authority for disclosure of information which it is required to make under the Freedom of Information (Scotland) Act 2002 (“the Act”).

The fee which is payable is calculated by reference to the “projected costs”. Regulation 3 sets out how these are calculated. The authority must estimate the likely cost of locating, retrieving and providing the requested information in accordance with the requirements of the Act. The authority’s estimate will therefore reflect the cost of complying with a request from an applicant to be given information by a particular means where the authority is required to do so by section 11 of the Act. Projected costs do not include costs incurred by the authority in determining whether it holds the information or whether the applicant should be given it. The cost of staff time is capped at a maximum of £15 per hour per member of staff.

Regulation 4 provides for the calculation of the fee which may be charged.

Section 12(1) of the Act provides that no disclosure need be made where the cost exceeds the prescribed amount. Regulation 5 provides that the prescribed amount is £600. The Freedom of Information (Fees for Disclosure under Section 13) (Scotland) Regulations (S.S.I. 2004/) make provision for the fees which may be charged in such a case.

Regulation 6 enables an authority to refuse to disclose information where two or more people seek essentially the same information and the cost of disclosure would exceed the prescribed amount. The authority need not disclose to the applicants so long as it makes it available to the public within 20 working days of the first request and notifies all the applicants within that time limit that it is doing so.