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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations prescribe “the appropriate amount” for the purposes of section 9A of the Data Protection Act 1998 and section 12 of the Freedom of Information Act 2000. If a public authority estimates that the cost of complying with a request for the information to which either of those provisions applies would exceed the appropriate amount, then the obligations which would otherwise be imposed by section 7 of the 1998 Act and section 1 of the 2000 Act in respect of such requests for information do not apply.

Regulation 3 prescribes an appropriate limit of £600 in the case of the public bodies listed in Part I of Schedule 1 to the 2000 Act (including government departments). An appropriate limit of £450 is prescribed in relation to all other public authorities.

Regulation 4 makes provision as to the costs to be estimated, and as to the manner in which they are to be estimated, for the purpose of estimating whether the cost of complying with a request would exceed the appropriate limit. The costs which may be taken into account are limited to those which the public authority reasonably expects to incur in undertaking certain specified activities in response to the request. Regulation 5 makes supplementary provision as to the estimation of costs in cases to which the 2000 Act applies. It provides that in relation to multiple requests which are related in specified ways by reference to those making the requests, the information to which the requests relate, and the timing of the requests, the estimated costs of complying with any single request is to be taken to be the aggregate estimated costs of complying with them all.

Regulation 6 makes provision as to the maximum fee that a public authority may specify in a fees notice under section 9 of the 2000 Act as a charge for complying with its duty under section 1(1) of the Act. The maximum is to be calculated by reference to specified limited aspects of the costs of informing the requester whether it holds the information and, if so, of communicating it to the requester.

Section 13 of the 2000 Act makes new provision for public authorities to be able to charge for the communication of information whose communication is not required because of the effect of the appropriate limit and is not otherwise required by law. Regulation 7 makes provision as to the maximum fee that a public authority may charge for the communication of information in the exercise of that power. The maximum is to be calculated by reference to the total costs which may be taken into account in estimating whether the cost of complying with the request would exceed the appropriate limit (excluding any costs “aggregated” from other requests), together with the full costs of informing the requester whether the information is held, and, if so, of communicating it to the requester.