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STATUTORY INSTRUMENTS

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**2004 No. 3244**

**The Freedom of Information and Data Protection  
(Appropriate Limit and Fees) Regulations 2004**

**Estimating the cost of complying with a request – general**

4.—(1) This regulation has effect in any case in which a public authority proposes to estimate whether the cost of complying with a relevant request would exceed the appropriate limit.

(2) A relevant request is any request to the extent that it is a request—

- (a) for unstructured personal data within the meaning of section 9A(1) of the 1998 Act<sup>(1)</sup>, and to which section 7(1) of that Act would, apart from the appropriate limit, to any extent apply, or
- (b) information to which section 1(1) of the 2000 Act would, apart from the appropriate limit, to any extent apply.

(3) In a case in which this regulation has effect, a public authority may, for the purpose of its estimate, take account only of the costs it reasonably expects to incur in relation to the request in—

- (a) determining whether it holds the information,
- (b) locating the information, or a document which may contain the information,
- (c) retrieving the information, or a document which may contain the information, and
- (d) extracting the information from a document containing it.

(4) To the extent to which any of the costs which a public authority takes into account are attributable to the time which persons undertaking any of the activities mentioned in paragraph (3) on behalf of the authority are expected to spend on those activities, those costs are to be estimated at a rate of £25 per person per hour.

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(1) Section 9A(6) of the Data Protection Act 1998 provides that any estimate of the appropriate limit for the purposes of that section must be made in accordance with regulations made under section 12(5) of the Freedom of Information Act 2000.