



CYMORTH LLYWODRAETHU GWYBODAETH AR GYFER GOFAL SYLFAENOL
INFORMATION GOVERNANCE SUPPORT FOR PRIMARY CARE

IG Guidance for Primary Care Service Providers on

Charging for information in your
publication scheme



Introduction

The **Freedom of Information Act 2000 (FOIA)** is designed to increase transparency; providing members of the public the opportunity to be able to routinely access information held by public authorities. It does this in two ways:

- public authorities are obliged to routinely publish certain information about their activities; and
- members of the public are entitled to request information from those public authorities.

The Act covers any recorded information that is held by a public authority. Public authorities include government departments, local authorities, police forces, state schools and the NHS; **this includes information from GMPs, Pharmacies, Dentists and Optical Contractors concerning their NHS work.**

The Act requires each organisation to have a [Publication Scheme](#), which should set out the organisation's high-level commitment to proactively publish information; this is generally provided through the organisation's website. The publication scheme should be supported by the applicable [Definition Document](#) specifying what information it will publish and how it's available. Specific template guides are available for GMPs, Pharmacies, Dentists and Optical Contractors in both English and Welsh on the [Information Commissioner's Office \(ICO\) website](#).

The Environmental Information Regulations 2004 (EIR) are comparable to the FOIA but are limited specifically to information regarding the environment. The EIR interpret 'environmental information' widely, with the scope to include information such as health and safety policies, details about recycling, land development, pollution levels, energy production, and waste management.

Similarly to the FOIA, the EIR requires public authorities to publish environmental information proactively in its publication scheme. See the ICO [Guide to the Environmental Information Regulations](#) for guidance on the model publication scheme and the type of information expected to be published.

Further guidance on the FOIA and EIR is available on the [Information Governance Website](#).

Charging for information

The ICO model publication scheme does allow for fees to be charged as long as the fees are **justified**, **transparent** and kept to a **minimum**. [The Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004 \(SI 2004 No 3244\)](#), do not apply to information that is routinely made available, unlike information that is disclosed in response to a specific request. Where fees are charged, they must be calculated separately from charges made under the Fees Regulations.

As a general rule, you can only make the following charges:

- for communicating the information, such as photocopying and postage. It is not considered reasonable to charge for providing information online;
- fees permitted by other legislation; and
- for information produced commercially, for example, a book, map or similar publication that you intend to sell and would not otherwise have produced.

Prior to publishing charges within your publication scheme, we strongly advise you consider the ‘Level of Charges’ Section (Paragraphs 15 – 19) within the [ICO’s Guidance on Charging for information in a publication scheme](#), as detailed below.

“Level of charges”

15. *The Act does not give public authorities the specific power to charge for information. This is because it was never the intention of FOIA to provide public authorities with a way to profit from routinely releasing information. As a result, the public authority should determine the extent of its powers to charge for information, by deciding a maximum amount it will charge.*
16. *We strongly recommend that the level of charges should be compatible with the principle of promoting public access to the information held by public authorities. While we cannot be prescriptive about the level of charges, we would expect a public authority to be able to justify them based on a transparent and publicly available charging policy or policies.*
17. *In making information available proactively an authority must consider the public interest in allowing access to the information. We will consider high levels of charges for routine information to be contrary to promoting public access to official information.*
18. *It is worth remembering that the public and the Information Commissioner will be easily able to compare different charging regimes across the public sector. We will also consider charges to be unreasonable where the only justification is that they have traditionally been made.*
19. *In practice, we expect that for much of the information which is routinely made available there will be either minimal or no cost. This will include information available from websites or supplied in hard copy form with any charges only being for the cost of any printing, copying or postage involved.”*

If you do intend to charge for any information within your publication scheme, you are required to produce and make available a ‘Schedule of Fees’. A template can be found within the applicable [Definition Document](#) for your organisation type.

Further information on charging for information in a publication scheme can be found on the [ICO Website](#).