

GMC Charging Policy for Freedom of Information Requests

Authors: Noela Almeida

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Introduction

1. The right to access information needs to be balanced by the need of public authorities to continue to carry out their other duties. For this reason, the Freedom of Information Act 2000 (or FOI Act) allows us to charge a fee for access to our information or decline requests on the grounds of cost.

2. Any fees charged or refusal to comply on grounds of cost must comply with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

Purpose of policy

3. To identify how we will charge for requests made under the Freedom of Information Act.

Why is this policy needed?

4. We have a statutory obligation to provide information caught by the Act. We should inform the public how we will charge for information.

Policy statement

Information Requests calculated below the appropriate limit

5. Under section 12(1) of the Freedom of Information Act, we do not have to comply with a request for information if the cost of complying would exceed the "appropriate limit" which is currently £450.

6. Requests for information that fall below the £450 limit are free of charge but we can still charge for the cost of reproducing the information, postage or other forms of transmitting the information.

7. We will not charge any of these expenses where the cost of providing the information is less than £450.

Information requests calculated above the appropriate limit

8. If the cost of complying with a request costs more than £450 then we may:

- a. Turn the request down
- b. Answer and charge the full cost of compliance
- c. Answer and waive the fee

9. We will assess the full cost of compliance using the model to calculate the appropriate limit of £25 per hour. So for example if the request takes 25 hours to collate:

25 hours x £25 = £625

+Reproduction, postage or transmission costs.

10. In the first instance, we will try to respond and waive the fee for information requests calculated above the £450 appropriate limit.

11. If the cost and time implications of dealing with a request adversely affect our business activities we reserve the right to turn the request down and will issue a refusal notice giving our reasons. We will give advice and assistance to see if the request can be amended in a way that would enable us to provide some of the information.

12. Should the requestor be willing to pay then a Director will take a decision, based on our business needs, about whether to accept payment and provide the information.

13. We acknowledge that the appropriate limit does not exempt us from complying with our obligation to inform the applicant whether the information exists (the duty to confirm or deny).

Aggregating costs

14. If we receive two or more related requests within a period of 60 consecutive working days either from an individual or from two or more people who appear to be acting in concert or in pursuance of a campaign, the costs of complying with the requests will be aggregated.

15. Where the estimated cost of complying with all the requests added together is more than £450 we will treat them as if they were one request and apply this policy.

16. The exception to this is for repeated requests from applicants for the same or similar information within the 60-day timescale.

Notification of charges

17. If we charge a fee for an information request we will let the applicant know the cost by issuing a fees notice.

18. Where a fees notice has been issued, the applicant has a period of three months to provide payment, beginning with the day on which the notice is given.

19. Where possible, we will also advise the applicant of any free or cheaper alternatives that might meet their needs.

Accountability

Chief Executive

20. The Chief Executive has an overall duty to ensure that the GMC complies with legislation affecting the handling of information within the GMC and with supporting regulations and codes.

Information Policy Team

21. The Information Policy Team is responsible for creating and maintaining internal standards, issuing guidance and monitoring and reviewing the effectiveness of our policies and procedures.

Information Access Team

22. The Information Access Team is responsible for responding to information requests made under the Freedom of Information Act 2000. This includes calculating the cost of information requests to see if any fees apply.

Relationship with existing policies

23. This policy has been formulated within the context of the following documents:
a. Freedom of Information Policy

Monitoring and Review

24. This policy will be monitored and its effectiveness assessed. This will be done by audit in order to:

- d. Assess the impact on our business operations
- e. Revise policies and procedures as appropriate

25. This policy as a whole will be reviewed before July 2005 and thereafter annually to ensure that it takes into account emerging best practice and implements any legal directions that may come into force.

26. Changes made to the policy will be dependent upon the number and cost of information requests processed and also to take into account any amendments made to the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.