

Fees and charges

If access is sought to personal information there are unlikely to be fees or charges unless the volume of material is large, involving hundreds of records. However, if policy information, which is not routinely available, is requested there are fees for the retrieval, copying and scheduling of records sought.

Personal Information

No charges are likely to arise in the case of requests or appeals relating to:

- Records containing personal information relating to the requester,
- Amendments to records containing personal information,
- Reasons for decisions which affected the requester.

Requests made by parents relating to their children and requests relating to deceased will fall into this category.

Non-Personal Information

Search and Retrieval Fees

Search and retrieval: €20.00 per hour

Copying charges

- Photocopy per sheet: €0.04
- CD ROM: €10.00
- Radiograph: €6.00

If the estimated charge is more than €100 a deposit of at least 20% will be sought.

Final charges are based on the actual search, retrieval, scheduling and copying of records released. If the fee is likely to exceed the estimate quoted to the requester, staff will contact the requester to review the definition.

Internal review of initial decision under Section 21 costs €30 (€10) for medical card holder). This fee does not apply for a review/appeal solely related to the decision to charge a fee.

**FOI Central Policy Unit
Notice No. 6**

Fees and Charges

The purpose of this notice is to inform FOI bodies of important issues in relation to the operation of the FOI fees regime under the 2014 Act. Some of the points made below applied under the previous fees regime but are being repeated here for completeness and to ensure consistency of application. This Notice does not replace CPU Notice No 11 which is a very detailed notice in relation to FOI fees and will be updated in due course.

Section 27 of the FOI Act 2014 and S.I. 531 of 2014 provides for the current FOI fees regime.

1. Estimating Search, Retrieval and Copying (SRC)

The most important message to give is that the first thing a decision maker should do when he/she gets an FOI request is to estimate the search, retrieval and copying charges. If a notification of a deposit/notification under Section 27(12) is not issued within 10 working days:

- **you cannot charge for the request**
- **you cannot refuse the request under Section 27(12)**

regardless of the level of SRC that might be involved.

2. Important general points re FOI fees

- The €15 application fee has been abolished;
- Records which contain only personal information relating to the requester remain free of charge (other than where the grant concerned relates to a significant number of records and in such cases, the means of the requester must be taken in account);
- In the case of non-personal requests, the application of search, retrieval and copying charges is mandatory;
- Items included in definition of “search and retrieval” are set out in S.27(2) of the FOI Act 2014;
- In order to charge SRC fees, notification of a deposit (of at least 20%) must be sent to requester within 10 working days;
- If a body wishes to refuse a request under Section 27(12), a notification must issue within 10 working days including a request for deposit in respect of a refined request;
- The FOI clock stops from the date that the deposit notification issues. The clock starts again when the deposit is paid;
- Where an FOI request is refined under either Section 27(7) or Section 27(12), the refined request does not constitute a new FOI request but the clock stops from the date that the deposit notification issues, as above;
- You can only charge search, retrieval and copying fees in respect of records actually released;
- Once the SRC has been re-calculated based on the records actually released, the requester benefits from the various ceilings applying (subject to Para 3(c) below).

3. General Information on the SRC caps

(a) A minimum threshold of €101 has been introduced below which no search, retrieval and copying (SRC) fees can be charged (appropriate minimum amount). In other words, no charge applies in cases where the total SRC charge attaching to a request is €100 or less. Once the SRC cost is €101 or more, full fees apply. This is designed to encourage short focussed requests. Requests where the SRC is €101 or more do not benefit from the free time. Sample letter No 14 refers here;

(b) There is a cap on the amount of SRC fees that can be charged of €500 (appropriate maximum amount). This means that even in a case where the SRC associated with the records that are actually released amounts to €650, the requester can only be charged €500.

(c) There is a further upper limit on estimated SRC fees of €700 called the “overall ceiling limit” above which an FOI body can refuse to process a request, unless the requester is prepared to refine the request to bring the SRC fees below the limit. Alternatively a public body can decide to process such a request but full SRC fees will apply (no benefit of appropriate maximum ceiling available if SRC attaching to the records actually released exceeds €700). There is a requirement under Section 27(12) that, before a request can be refused on the basis that the estimated SRC exceeds €700, the requester must be given the opportunity to refine his/her request so that it comes within the overall ceiling limit. Legal advice has been received in relation to the timing associated with this provision. Important points arising from legal advice:

- (i) Letter telling requester that his/her request is to be refused under Section 27(12) and offering assistance in refining the request must issue within 10 working days or request cannot be refused on that basis;
- (ii) In order to charge fees for the refined request, the letter issuing under Section 27(12) must also request a deposit in the event that the request is refined;
- (iii) A specific deposit must be requested and should be calculated as a proportion of the appropriate maximum amount (currently €500);
- (iv) The FOI clock stops once this letter issues (including the request for a deposit);
- (v) If letter does not issue within 10 working days informing the requester that his/her request exceeds the overall ceiling limit, the request cannot be refused on that basis and no fees can be charged;
- (vi) When a request is refined under Section 27(12), the refined request does not constitute a new FOI request.

Step by step approach is as follows:

- Estimate SRC;
- If above €700, advise requester in writing within 10 working days and seek deposit in same letter (to the value of at least €100 – at least 20% of the appropriate maximum amount). Sample letter No 16 refers here;
- Engage with requester to refine request if required;
- Estimate SRC of refined request;
- Agree refinement;
- Receive deposit;
- FOI clock re-starts;
- Process request.

4. Other FOI Fees/Charges

The fee for internal review is now €30 (€10 for medical card holders and their dependants).

The fee for appeals to the Information Commissioner is now €50 (€15 for medical card holders and their dependants).

The SRC fee per hour is €20 and the copying fees are 4c per page of photocopying, €10 for CD and €6 for x-ray.