

Arts Council of Wales

Freedom of Information Act 2000 - Charging Policy

July 2019



Cyngor Celfyddydau Cymru
Arts Council of Wales



Noddir gan
Lywodraeth Cymru
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Arts Council of Wales is committed to making information available in large print, braille, audio, Easy Read and British Sign Language and will endeavour to provide information in languages other than Welsh or English on request.

Arts Council of Wales operates an equal opportunities policy.

Freedom of Information Act 2000 - Charging Policy

Under the Freedom of Information Act (the Act) legislation and our obligations as a registered charity there may be instances when Arts Council of Wales will charge for information provided in response to a request. The Arts Council is not obliged to respond to a written request for information where it estimates that the cost of complying with the request would be in excess of £450 ("appropriate limit"). However, as part of our "duty to assist," we would treat these as exceptional circumstances and in these cases will provide the applicant with an indication as to what level of information could be provided within the "appropriate limit" and discuss whether he or she would prefer to modify the request to reduce the cost.

This policy sets out instances when charges will apply, and the process we will adopt in calculating, communicating and applying the charges.

Charges appropriate to all requests

This would relate to the costs of communicating the information to the applicant i.e. costs of reproducing the information, postage and other forms of supplying the information as specified by the applicant as far as this is reasonably practical. We will provide a detailed breakdown of charges based on the information detailed below and issue a fees notice to the applicant. We will also provide the applicant with an indication of what level of information may be provided free of charge and provide assistance should the applicant wish to modify the request. If no modification is made to the request, the applicant then has three months in which to pay the fees notice, during which time the calculation of the 20 working days in which to respond to a request will not apply. We will not be obliged to comply with any requests until payment has been received in full. If full payment has not been made within the allocated 3 months following issue of the fees notice we will close the request.

We will, however, waive the fee if the calculated total is less than £10.

Requests estimated to be in excess of "the appropriate limit" (£450)

The Arts Council will, in most cases, comply with a written request for information that would cost in excess of £450. However, as a registered charity we consider it appropriate to recover the costs incurred. Therefore, in such cases and under the terms of the Act, we would charge in full for both

1. The estimated cost of staff time in retrieving and collating the information. This would be calculated at £25 per hour, being the indicative hourly rate suggested for the purpose of the Act.
2. The costs of communicating the information to the applicant as detailed in the section above. This will include staff attendance rates i.e. number of hours a member of staff would need to be in attendance where the applicant or nature of request requires applicant to have access to the files in question.

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A detailed breakdown of point 1 is as follows:

Staff time, charged at the hourly rate of £25 per hour, and involved in the following activities:

- Determining whether the information is held
- Locating the information or document(s) which may contain the information
- Retrieving the information, or document(s) which may contain the information
- Extracting the information from the document(s) (including editing or redacting information).

The time taken to consider whether information is exempt from disclosure under the Act is not subject to a fee being charged. Where we are requested to supply information that is also available from a non-public body, VAT will also be added to the total charged, as per current legislation.

Follow up requests

Where the information has been provided as a result of the payment being made in full within the given 3 month period, any follow up requests from the applicant will be treated separately from the original request, and subject to charges as appropriate to the nature of the request.

Multiple requests

If the Arts Council receives two or more related requests within a period of 60 consecutive working days, from a person or persons who appear to be acting in concert or in pursuance of a campaign, under the Act the costs of complying with the requests will be aggregated. If the estimated costs of complying with the requests are added together and the total is found to be in excess of £450, then the appropriate policy detailed above will apply.

Review

This policy was approved in November 2008 and last reviewed in July 2019. It is subject to review every 3 years or sooner should circumstances dictate.

Enquiries regarding this policy should be directed in the first instance to:

Manager – Planning Performance and Compliance
The Arts Council of Wales
Bute Place, Cardiff CF10 5AL

Further guidance may also be accessed at the website of the Information Commissioner
www.ico.gov.uk