

Environmental Information Regulations, 2004

Torbay Council will process all requests, irrespective of the cost of processing the request, where the information is covered by the Environmental Information Regulations (EIR).

When dealing with requests for information under EIR, Torbay Council is permitted to charge a reasonable amount. This must only cover actual costs incurred by the Council in producing the information, for example the cost of paper, printing and posting.

Unlike under FoI, Torbay Council cannot charge for the amount of time taken to identify, locate and retrieve information, which may be done when the appropriate limit has been exceeded.

Regulation 8(1) states that a public authority may charge for making environmental information available.

Regulation 8(2) specifies that no charge can be made for accessing public registers or lists of environmental information or for examining the information requested at the place where the authority makes available for that purpose

Regulation 8(3) states that a charge may not exceed an amount that the public authority is satisfied is a 'reasonable amount'.

When is a charge prohibited?

As specified above there are two situations where Torbay Council cannot charge for Environmental Information:

1. Access to public registers or lists of environmental information
2. Inspection of the information 'in situ' – This is when the authority provides an area for the information to be viewed. However, Torbay Council would be able to charge should the requestor wish to have the information in a permanent form, such as it being photocopied. This would then comply with the EIR charging regime given above.

What is reasonable?

There is no definition to distinguish what is meant by 'reasonable'. It is down to Torbay Council to satisfy itself that the charge is reasonable. This can be done by ignoring any irrelevant factors and concentrating on the relevant ones, e.g.

- The cost of paper and printing is a relevant factor and included in the charge
- The cost of staff time in identifying, locating and retrieving the information is an irrelevant factor, as staff time cannot be counted in respect of the applicant when they are inspecting the information.

General Consideration when looking at charges

- If an authority is entitled to charge a fee based on another statutory provision, such a fee will be considered to be reasonable.
- Any charge should be compatible with encouraging transparency and should not provide an obstacle to accessing information. It is thought that Environmental information should be made available to the public and should not be charged for.
- Section V of the Code of Practice, on charging ([link](#)) states that charges should be reasonable and in accordance with detailed guidance issued by DEFRA.

Charging Schedule

The charging schedule below shows the disbursements that Torbay Council will adopt when photocopying or faxing information as well as information being placed onto a CD ROM.

Information concerning specific publications can be found in the Charging Schedule at the end of the document, this considers all information and items that are charged for within the Council.

Disbursements

Photocopies:

A4 Black and White	10p per sheet
A3 Black and White	20p per sheet
A4 Colour	£1.00 per sheet
A3 Colour	£1.00 per sheet

Fax:

To UK and Ireland	£1.00 per page
To Europe	£1.75 per page
To rest of the World	£2.00 per page

Prints from a Computer

Black and White	10p per page
Colour	50p per page
Photo quality paper prints	£1.00 per page

Electronic media:

CD Rom	£1.00
Floppy Disc (1.44MB)	£1.00
Scanning of A4 Paper Records	£1.40 per image
Scanning of A3 Paper Records	£2.10 per image
Email Attachment	No charge

In respect of notifying the applicant in relation to any charges that may occur, this will be done also in the form of a fees notice. Therefore it will be done in accordance with the same provisions as that of the Freedom of Information Act, 2000.

Under Environmental Information Regulations, Torbay Council will notify the requestor within 20 working days of the receipt of the notification request of the fees notice. The period from the day of this notification to the day the payment is received does not count towards the time limit for responding.

The applicant has 60 working days, following issue of the fees notice, to pay. If the payment is not received Torbay Council will not proceed with the request.

All details of how the fee must be paid will be found within the Fees Notice when it has been issued.