

Freedom of Information Act



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Charging a fee

The Freedom of Information Act 2000 (FOIA) gives a right of public access to information held by public authorities. This is part of a series of guidance notes to help public authorities understand their obligations and to promote good practice.

Overview

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Fees Regulations) provide the framework for setting the maximum fee that can be charged when complying with a request for information under FOIA. This guidance will explain the approach we expect public authorities to take when issuing fees notices and receiving payment from applicants.

Fees notices

Under section 9 of the FOIA, a public authority intending to charge a fee for providing information in response to a request must issue a fees notice to the applicant. The notice must specify the fee that is being charged by the authority in complying with a request made under section 1 of the FOIA.

Amount of fee

The fee specified in the notice cannot be more than either the maximum fee permitted by Regulation 6 of the Fees Regulations (the costs of informing the applicant whether the information is held and communicating the information) or a fee permitted by other legislation. More detailed guidance on the [Fees Regulations](#) has been issued.

If the administration costs of collecting a fee would be more than the charge itself, we recommend as a matter of good practice that the charge is waived.

Timescales

The fees notice must be issued within the 20 working day period for responding to the request. As a matter of good practice we recommend that a notice is issued as soon as possible following receipt of the request.

The period from the day the fees notice is issued to the day the fee is received does not count towards the 20 working day limit for response.

If the authority does not receive payment within three months of issuing a fees notice it is no longer obliged to respond to the request. We suggest that this deadline is mentioned in the fees notice.

When payment is made by cheque, the authority may choose to regard the fee as being received on the day the cheque is received, or it may wait until the cheque has cleared. However, the authority cannot defer the paying in of the cheque in order to delay the response.

Actual costs exceed or fall short of the quoted fee

If the actual cost of answering a request is higher than the fee specified in the fees notice, the authority cannot issue a second notice and must bear the additional cost itself.

However, if costs are lower than those specified in the notice, we recommend that the authority refunds the excess amount to the applicant.

Notification in cases where appropriate limit is exceeded

If an authority decides to proceed with a request which exceeds the appropriate limit, there is no requirement to issue a fees notice as there is no obligation on the authority to comply with the request. However, as a matter of good practice we recommend that, if you wish to charge a fee for the information, you still issue a fees notice, in order to avoid confusion.

More information

This guidance will be reviewed and considered from time to time in line with new decisions of the Information Commissioner, Tribunal and courts on freedom of information cases. It is a guide to our general recommended approach to this area, although individual cases will always be decided on the basis of their particular circumstances.

If you need any more information about this or any other aspect of freedom of information, please contact us.

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