

## Consultation on the introduction of fees and cost limits for Freedom of Information requests

Closing Date: Friday 9<sup>th</sup> May 2025

### Douglas City Council Response

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#### Question 1:

Are you responding on behalf of an organisation?

☐ Yes

☐ No

Organisation:

#### Question 2:

Would you support a proposal that a public authority can refuse to comply with a request if it estimates that it will take more than 15 hours to answer, therefore setting a prescribed limit of £510 in each instance.

☐ Yes

☐ No

Please explain your answer:

Although it is beneficial to reduce the burden on Local Authorities by repeated, vexatious and frivolous FOI requests, any changes implemented should be in line with UK Fees and charges which is £450 which, on a standard rate of £25 per hour, is 18 hours. The Act has been in force there for 25 years and works well. There should be an appropriate limit and if it is challenged, the fact we have aligned with another jurisdiction and on a tried-and-tested formula, should assist.

#### Question 3:

Would you support a proposal that two or more similar requests from one person or by different persons that appear to be acting in concert or in pursuance of a campaign, received within 60 days of each other can be aggregated for the purposes of calculating if the prescribed cost limit is exceeded.

- ☐ Yes
- ☐ No

Please explain your answer:

Yes, To reduce the burden on Local Authorities by repeated, vexatious and frivolous FOI requests.

Yes, if we are currently complying a similar response, my view would be the LA should have the mechanism to respond, publish and use that information as a reference.

Yes, because of vexatious or professional (media) requests. There is procedural guidance in the UK that will assist with this.

#### **Question 4:**

Should it be recognised within any regulations that smaller public authorities outlined within Schedule 1 that are not central government departments will have fewer resources and that a lower costs limit should be adopted in respect of these, for example for those authorities who employ fewer than 20 full time officers?

- ☐ Yes
- ☐ No

Do you have any comments or feedback?

No, the legislation, fees and standards need to be universally applied to all LA's to keep it consistent to all. Inconsistency makes it easier to challenge and show it is unreasonable. It will drive change and provide a fair service to residents.

No, if an organisation is being trusted with public monies, they should be accountable and operating in a way that data is managed correctly. I would argue that it is far simpler for a smaller organisation to pull records than a larger one. FOI legislation is also about correct management of public records. This is back to keeping authorities small to keep rates down. Standards need to be universal.

#### **Question 5:**

Do you have any other comments or suggestions regarding the introduction of cost limits for Freedom of Information requests?

There should not be any fees (you can charge for photocopying, postage, etc in the UK) but there should be an appropriate limit

It will be considered a positive step for DCC to not support the introduction of fees for FOI.

#### **Question 6:**

The Council of Ministers are minded to introduce a fee to make a Freedom of Information request, what are your opinions?

There needs to be some sort of barrier to stop time wasting and the implementation of a mechanism such as suggested in question 2 would suffice without the introduction of a fee. It is not right to restrict members of the public who are restricted financially. They may be the people who need the information for genuine purpose i.e. medical processes, complaints etc

The Council should champion openness, transparency and welcome FOI requests.

### **Question 7:**

What do you consider a reasonable fee?

- ☐ £10
- ☐ £15
- ☐ £20
- ☐ £25
- ☐ Other (please specify)

Please specify other amount:

No fee should be implemented.

It will cost more to process an invoice and charge people, also delaying the process until the fee is paid. It is difficult to estimate how long each FOI will take before answering the question. The ones that take the longest are those that ask for "all information" in relation to a subject that may have been going on years. This is a reflection of internal governance and email communications being kept for longer than one year. Some FOI requests return up to 10,000 email communications that need to be redacted.

### **Question 8:**

If fees were introduced, how do you believe they should be implemented to minimise negative impacts?

There should not be one. This just means another level of administrative bureaucracy and a waste of time.

### **Question 9:**

Do you have any other comments or suggestions regarding the introduction of fees for Freedom of Information requests?

In the UK if it is estimated that the request will take more than the appropriate limit, the authority should assist the applicant to make the request smaller and more precisely focused. This should also be applied here.