

## FEES REGULATIONS – UPDATE 2

The Information Commissioner posted a fees update on his website in March this year. This referred to the Fees Working Group, led by the Department for Constitutional Affairs (DCA). The update also provided a link to the draft Fees Regulations and outlined the contents of that draft.

The Information Commissioner was represented on the Fees Working Group, which met for the final time in April. A range of possible approaches to the fees regime were considered by the Group. The Group did not reach a consensus on all the issues discussed and, rather than recommend a single approach to Government, it has produced a paper setting out a range of options for consideration.

In broad terms, the position advocated by the Commissioner within the Fees Working Group was as follows:

- The charging regime should straightforward for all public authorities to apply. There may be a number of ways in which this may be achieved. For instance, the Fees Regulations could set out a maximum hourly rate for all public authorities for the location and retrieval of information together with a standard tariff for items such as photocopying.
- The charging regime should be clear and transparent to the public, minimising the scope for argument about the charges made by different authorities.
- The regime should ensure accessibility for all members of the public and should not discriminate against individual applicants in favour of interest groups or corporate bodies.

The level of charges and the specification of those items for which it will be permissible to charge is clearly a matter for the Government and, in the final analysis, for Parliament. It is not clear at this stage, which of the approaches suggested in the options paper prepared by the Fees Working Group will be adopted. Public authorities should be aware, however, that the final version of the Regulations may differ from the published draft.

The Information Commissioner is conscious of the delay in finalising policy on the charging regime and the consequent lack of guidance available to public authorities, anxious to put procedures in place in time for January 2005. According to the DCA's timetable, the Regulations should be finalised in the summer.

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