

## Information Access Fees Policy

Owner	Information Team
Author	Information Governance Manager
Reviewed by	Information Governance Group (SIRO inc)
Approved by and date	<i>Council/Committee/EMT Board - Date approved</i>
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### Version History

Date of next revision:

Revision Date	Previous Revision Date	Summary of Changes	Changes Marked

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## **1. Policy Statement**

1.1 Information access legislation enables organisations to charge applicants, in some circumstances, for the administrative costs associated with responding to a request or providing copy information.

1.2 This policy outlines the legislation that applies to the information held by the General Dental Council (the GDC), when the GDC will charge a fee to provide information, and how any fee will be calculated.

## **2. Purpose**

2.2 In the interest of fairness, it is important that anyone considering making an information request to the GDC knows in advance when a charge might apply and how much it is likely to be.

2.3 We hope to encourage anyone making a request to only ask for information they really want or are prepared to pay for.

## **3. Scope**

3.1 This policy applies to information requests received by the GDC to which the following legislation may apply:

- General Dental Council (Fitness to Practise) Rules Order of Council 2006
- General Data Protection Regulation (the GDPR) (EU) 2016/679
- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Protection of Freedoms Act 2012.

## **4. When the GDC will charge and how fees will be calculated**

4.1 *The General Dental Council (Fitness to Practise) Rules Order of Council 2006*

4.1.1 Under Rule 61(2) of the General Dental Council (Fitness to Practise) Rules Order of Council 2006:

*'any party shall, on application to the Council and on payment of a reasonable charge to cover the cost of copying and despatch, be sent a transcript of the record of any part of the hearing or preliminary meeting at which he was entitled to be present.'*

4.1.2 Parties to proceedings are the GDC and the registrant who is the subject of the hearing or preliminary meeting. Requests can be made at any time after the meeting or hearing has taken place.

4.1.3 Requests for a transcript will, in the first instance, be considered under the General Dental Council (Fitness to Practise) Rules Order of Council 2006. Where the requestor does not have a right of access under this legislation (i.e. they are not a party) we will

consider their request under the General Data Protection Regulation and/or under the Freedom of Information Act 2000 as applicable. For example, although, because they are not a party to proceedings, witnesses are not entitled to the full transcript under General Dental Council (Fitness to Practise) Rules Order of Council 2006, they may access a copy of their evidence under the General Data Protection Regulation.

4.1.4 An electronic copy of a transcript (where held) will be provided free of charge. The GDC will, however, charge a reasonable fee to comply with a request for a hard copy of a transcript.

4.1.5 In these instances, the GDC will issue a fees notice (payable in advance of complying with the request) charging for photocopying or printing at a rate of 10p per sheet of paper. Postage will be charged at cost.

4.1.6 Where a transcript is not held, registrants who are the subject of the hearing or preliminary meeting will not be charged for a transcript to be produced (from a digital audio recording made during the hearing).

4.1.7 Where a transcript is not held, and a request that the audio recording be transcribed is made by anyone **other** than the registrant who is the subject of the hearing or preliminary meeting, a transcript will be provided in accordance with the costs and charges provided for in our Publication Scheme, which is available on our website.

4.1.8 The GDC will obtain an estimate of the cost of transcription (approximately £150 per day) plus VAT from our transcription contractor and add the cost of GDC staff time (a flat rate of £25 per hour) to produce a public version of the transcript. (The latter cost relates to removing confidential information (e.g. information about a registrant's health or names and contact details of patients or vulnerable witnesses) from the transcript prior to disclosure.)

4.1.9 The GDC will notify the requester of the total estimated cost of producing a public transcript as soon as possible following receipt of the estimate from our contractor. Payment of the total estimated cost will be required from the requester prior to the GDC instructing our contractor to produce the transcript, and prior to providing the public transcript to the requester.

## 4.2 *General Data Protection Regulation (the GDPR) (EU) 2016/679*

4.2.1 Under the GDPR organisations are required to provide information in response to a subject access request free of charge.

4.2.2 However, the GDPR does allow organisations (in this instance the GDC) to charge a reasonable fee to comply with a request for a further copy of the same information. Usually this will be where we are asked to provide a paper copy of information we have provided electronically.

4.2.3 Where the GDC is asked to provide a further copy of information, we will issue a fees notice (payable in advance of complying with the request) charging for photocopying or printing at a rate of 10p per sheet of paper. Postage will be charged at cost for recorded and signed for delivery. In responding to a request for information under the GDPR, the GDC will not charge for other administration costs such as staff time.

4.2.4 Although where the GDC concludes a request is manifestly unfounded or excessive (for example if it is repetitive), it can offer to provide the information upon payment of a

reasonable fee (the costs we would reasonably expect to incur in complying with the request), it is not our policy to do so.

#### *4.3 Freedom of Information Act 2000 (the FOI Act)*

4.3.1 The FOI Act allows public authorities to either charge for, or decline, requests for information that would cost more than the appropriate limit. Because the GDC is not a central government department, the appropriate limit is £450.

4.3.2 If the estimated costs of responding to an FOI request do not exceed the cost limit of £450, then we are only able to charge for disbursements (for instance, photocopying, printing or posting). However, we usually will not charge disbursements for responding to FOI requests that do not exceed the cost limit.

4.3.3 That said, the circumstances may arise (for example where the information requested is particularly voluminous and we are asked to provide paper copies), when we decide it is appropriate to charge. In these instances, we will issue a fees notice (payable in advance of complying with the request) charging for photocopying or printing at a rate of 10p per sheet of paper. Postage will be charged at cost. A decision to charge disbursements should be agreed by the Information Governance Manager.

4.3.4 If it would exceed the appropriate limit (£450) to comply with a request, we are not obliged to comply with it. In these instances, we will issue a decision notice and we will offer the requester some advice and assistance to identify whether the scope of the request can be narrowed in order that the information can be supplied free of charge. Although we can offer to provide the information upon payment of a fee (the costs we would reasonably expect to incur in complying with the request), it is not our policy to do so.

#### *4.4 Environmental Information Regulations 2004 (the EIR)*

4.4.1 The EIR allows for a charge to be made for supplying environmental information, providing it is reasonable (there is no 'appropriate limit' of £450 as there is with FOIA), but we will usually not charge for this service.

#### *4.5 The Protection of Freedoms Act 2012*

4.5.1 Although there are provisions within the Protection of Freedoms Act 2012 to charge for the re-use of data sets, any data sets we publish under this legislation would be made available under an Open Government Licence.

### **5. Review and approval**

5.1 The policy will be reviewed annually by the Information Governance Manager. It will be updated and amended prior to that date as necessary.

5.2 The policy should be approved by the GDC's SIRO and referred to the Information Governance Group for noting.

### **6. Related policies**

- Information Governance Policy
- Information Security Policy
- Disclosure and Publication Policy