

FEES PAYABLE UNDER THE FREEDOM OF INFORMATION ACTS 1997 AND 2003

Section 7 sets out the charging regime for information released under the FOI Act.

There are basically two types of charges under the FOI Act: (i) fees that accompany a request for a record under section 7 (or subsequent application for review) and (ii) fees/deposits in relation to search and retrieval of records released to a requester.

7.1 Fees that must accompany requests/applications for review

The following fees apply to FOI requests under section 7 (requests for access to records) and applications under section 14 (internal review) and 34 (review by Information Commissioner) received on or after **7 July 2003**:

Requests for records

- A standard application fee of **€15** must accompany an FOI request under section 7 for a record or records containing non-personal information.
- A reduced fee of **€10** applies if the person making such a request is covered by a medical card.
- The following requests/applications are exempt:
 - (a) a request under section 7 for a record or records containing only personal information related to the requester¹.
 - (b) an application under section 17 (right of amendment of records relating to personal information).
 - (c) an application under section 18 (right of person to information regarding acts of public bodies affecting the person).

Internal Review under section 14

- A standard fee of **€75** must accompany an application for internal review under section 14.
- A reduced fee of **€25** applies if the person bringing the application is a medical card holder or a dependant of a medical card holder.

¹ Including a request made pursuant to section 28(6) by a parent or guardian on behalf of a minor or disabled person or the next of-kin or personal-representative on behalf of a deceased person.

- The following internal review applications are exempt:
 - (a) an application in relation to a decision concerning records containing only personal information related to the applicant².
 - (b) an application in relation a decision under section 17 (right of amendment of records relating to personal information).
 - (c) an application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting the person).
 - (d) an application in relation to a decision to charge a fee or deposit, or a fee or deposit of a particular amount.

Review by Information Commissioner under section 34

- A standard fee of **€150** must accompany applications to the Information Commissioner under section 34.
- A reduced fee of **€50** applies if
 - (a) the person bringing the application is a medical card holder or a dependant of a medical card holder or
 - (b) the person is specified in section 29(2) i.e. a third party with the right to apply directly to the Information Commissioner where a public body decides to release their information on public interest grounds.
- The following applications to the Information Commissioner are exempt:
 - (a) an application concerning records containing only personal information related to the applicant³.
 - (b) an application in relation a decision under section 17 (right of amendment of records relating to personal information)
 - (c) an application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting the person).
 - (d) an application in relation to a decision to charge a fee or deposit exceeding €25.00 under section 47 in respect of search and retrieval and photocopying of records (decisions in relation to the charging of fees or deposits for search and retrieval and/or photocopying of less than €25 are not subject to review by the Information Commissioner).

2, 3 Including an application arising from a request under section 28(6) by a parent or guardian on behalf of a minor or disabled person or the next of-kin or personal-representative on behalf of a deceased person.

- (e) an application in relation to a decision to charge a fee under section 47(6A), or a fee of a particular amount under section 47(6A), on the grounds that the records concerned do not contain only personal information related to the requester or the requester is not a medical card holder or a dependant of a medical card holder.

7.2 Fees for search and retrieval and copying of records

- In respect of non-personal information, fees apply in respect of the time spent in efficiently locating and retrieving records released, based on a standard hourly rate of €20.95. Photocopying charges of €0.04 per page also apply. Separate charges apply in respect of the reproduction of records in other formats.
- In respect of personal information, the charge of €0.04 for copying can be applied though this can be waived having regard to the means of the requester and the nature of the records concerned. Fees for search and retrieval of personal information do not apply unless a very large number of records are involved.
- No charges apply in respect of the time spent by public bodies in considering requests.
- Where a deposit is payable, the public body must, if requested, assist the requester to amend the request so as to reduce or eliminate the amount of the deposit.

Charges for search and retrieval and photocopying may be waived:

- where the cost of collecting and accounting for the fee would exceed the amount of the fee (this will apply in respect of fees less than €6.35);
- where the information would be of particular assistance to the understanding of an issue of national importance; or,
- as noted above in the case of photocopying of personal information, where it would not be reasonable having regard to the means of the requester and the nature of the records sought (charges for search and retrieval of personal information do not apply unless where the request relates to a significant number of records).