



Jersey

# **FREEDOM OF INFORMATION (COSTS) (JERSEY) REGULATIONS 2014**

## **Official Consolidated Version**

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## **FREEDOM OF INFORMATION (COSTS) (JERSEY) REGULATIONS 2014**

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## **FREEDOM OF INFORMATION (COSTS) (JERSEY) REGULATIONS 2014**

**THE STATES**, in pursuance of Articles 16 and 53 of the [Freedom of Information \(Jersey\) Law 2011](#), have made the following Regulations –

Commencement [[see endnotes](#)]

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### **1 Interpretation**

In these Regulations –

“Law” means the [Freedom of Information \(Jersey\) Law 2011](#);

“specified amount” means –

- (a) in respect of a request to a scheduled public authority specified in any of paragraphs 1 to 7 of Schedule 1 to the Law, £500; or
- (b) in respect of a request to a parish on or after 1st September 2015, £200.

### **2 Estimating the cost of supplying information**

- (1) For the purposes of Article 16(1) of the Law, if the estimated cost of supplying information would exceed the specified amount, as determined in accordance with this Regulation and, if applicable Regulation 3, a scheduled public authority may refuse to supply that information.
- (2) In making such a determination, the scheduled public authority shall take into account only the costs attributable to the time which it reasonably expects to be spent by a person undertaking any of the activities described in paragraph (3) on the scheduled public authority’s behalf.
- (3) Those activities are –
  - (a) determining whether the scheduled public authority holds the information;
  - (b) locating the information, or a document which may contain the information;
  - (c) retrieving the information, or a document which may contain the information; and
  - (d) extracting the information from a document containing it.
- (4) The costs referred to in paragraph (2) are to be estimated at a rate of £40 per person per hour.

### **3 Estimating the cost of complying with a request – aggregation of related requests**

- (1) In the circumstances specified in paragraph (2), where 2 or more requests for information are made to a scheduled public authority by –
  - (a) one person; or
  - (b) different persons who appear to the scheduled public authority to be acting in concert or in pursuance of a campaign,the estimated cost of complying with any of the requests as determined in accordance with Regulation 2 is to be taken to be the estimated total cost of complying with all of them.
- (2) Those circumstances are that –
  - (a) the 2 or more requests referred to in paragraph (1) relate, to any extent, to the same or similar information; and
  - (b) those requests are received by the scheduled public authority within any period of 60 consecutive working days or such longer period as is reasonable in all the circumstances of the case.
- (3) In this Regulation “working day” means a day other than –
  - (a) a Saturday, a Sunday, Christmas Day, or Good Friday; or
  - (b) a day that is a bank holiday or a public holiday under the [Public Holidays and Bank Holidays \(Jersey\) Law 1951](#).

### **4 Supply of information where estimated costs exceed the specified amount**

- (1) If a scheduled public authority estimates that the cost of supplying information will exceed the specified amount as determined in accordance with Regulation 2 and, if applicable, Regulation 3, the scheduled public authority may, in accordance with Article 16(2) of the Law, supply the information requested on payment to it of a fee determined in the manner set out in this Regulation.
- (2) That fee shall be of such amount as the scheduled public authority may determine is appropriate in all the circumstances of the case, such amount not exceeding the total of –
  - (a) the costs which the scheduled public authority may take into account in accordance with Regulation 2 (disregarding any costs it may take into account solely by virtue of Regulation 3), in relation to that request; and
  - (b) the costs the scheduled public authority reasonably expects to incur in –
    - (i) informing the person making the request whether it holds the information, and
    - (ii) communicating the information to the person making the request.
- (3) Costs which may be taken into account by a public authority for the purposes of paragraph (2)(b) include, but are not limited to, the costs of –
  - (a) reproducing any document containing the information; and

- (b) postage and other forms of transmitting the information.
- (4) For the purposes of paragraph (2)(b), to the extent that such costs are attributable to a person undertaking activities on the scheduled authority's behalf, those costs are to be estimated at a rate of £40 per person per hour.

## **5 Citation**

These Regulations may be cited as the Freedom of Information (Costs) (Jersey) Regulations 2014.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Freedom of Information (Costs) (Jersey) Regulations 2014	<a href="#">R&amp;O.187/2014</a>	1 January 2015

### Table of Endnote References

*There are currently no endnote references*