

FYNE HOMES

STATEMENT ON CHARGING FOR ACCESS TO ENVIRONMENTAL INFORMATION

Introduction

The Environmental Information (Scotland) Regulations 2004 (EIRs) apply to RSLs and provide for a right of access to environmental information held by Fyne Homes.

The EIRs permit Fyne Homes to charge a fee to applicants for providing access to environmental information on request. If Fyne Homes wishes to charge a fee for access to environmental information that it holds, it must publish the fees in advance of charging them.

The purpose of this Statement is to set out Fyne Homes' approach to charging fees and how the level of the fees will be determined for requests for access to environmental information in terms of the EIRs.

Approach to charging fees

The EIRs do not contain upper or lower limits to the fee which may be charged by Fyne Homes. However, the fee must be "reasonable" and must not exceed the actual costs of producing the environmental information that has been requested. In determining what is "reasonable", Fyne Homes may not take into account the particular circumstances of the applicant e.g. if the applicant is of low income or the importance of the environmental information to the applicant.

Fyne Homes will normally require advance payment of the fee before providing the applicant with the requested environmental information, but written notice of the fee will first be given to the applicant. The applicant will have 60 working days to pay the fee following issue of the notice. If the applicant does not pay the fee notice within this timescale, Fyne Homes will assume that the applicant no longer wishes to access the environmental information. If the applicant pays the fee, and Fyne Homes later determines that the actual costs associated with the request are less than initially anticipated, Fyne Homes will refund the overpayment to the applicant.

Fyne Homes may not charge a fee for allowing access to environmental information contained within registers or lists of environmental information maintained by Fyne Homes from time to time. Fyne Homes may not also charge a fee for providing the environmental information where the applicant views the information at one of Fyne Homes' offices, but Fyne Homes may still charge the applicant a fee for locating and retrieving the environmental information in such circumstances.

Determining the level of fees

In determining the level of fee for responding to a request for access to environmental information under the EIRs, Fyne Homes is entitled to charge the costs of locating, retrieving and providing the environmental information to the applicant.

Staff time will be charged based on the actual hourly cost to Fyne Homes of employing the member(s) of staff in question for the time spent (including Fyne Homes’ national insurance and pension contributions in relation to the relevant member(s) of staff). To reduce the costs and the fee for the applicant, Fyne Homes will use the lowest grade member(s) of staff available to locate, retrieve and assemble the environmental information, but will also ensure that the member(s) of staff are of an appropriate grade, and have the requisite skills and knowledge, to be dealing with the environmental information in question.

Staff time spent determining whether the requested environmental information is in fact held by Fyne Homes or is subject to one or more of the exceptions contained within the EIRs will not be charged to the applicant. Fyne Homes will not charge for staff time spent dealing with a request if Fyne Homes does not hold the environmental information which the applicant has requested. If environmental information is provided in electronic format, Fyne Homes may charge for the staff time it takes to scan the information into this format.

The fee will also include any costs related to putting the environmental information into a particular format. For example, Fyne Homes may charge for photocopying, postage, packaging and providing the environmental information on portable storage devices or other media. Fyne Homes will not, however, charge a fee for providing environmental information in a specific format if the applicant has a disability or for other costs relating to Fyne Homes’ compliance with its duties under equalities legislation.

Fyne Homes’ photocopy charge per sheet of paper is shown in the table below:

Size	Pence per single sided copy (black and white)	Pence per single sided copy (colour)
A4	5p	10p
A3	10p	20p

Postage and packaging costs will be charged at the rate paid to send the environmental information to the applicant in the packaging by First Class Royal Mail post.

Storage devices or other media will be charged at the actual cost of the device or media to Fyne Homes.

For data security reasons, Fyne Homes will edit, print and scan any material which needs to be redacted before sending it by e-mail to ensure that the redacted information cannot be identified. The costs related to this will be charged as part of the fee to the applicant. Documents which exist in native electronic format and do not require redacting will generally be sent electronically, if requested, without such costs being incurred.

Fyne Homes will usually calculate the cost of providing the environmental information in the format which is cheapest to produce, which will normally be electronic. Fyne Homes may also propose means of refining the request to the applicant, which may reduce the fee for the applicant. However, if an applicant has indicated a preference for a specific format or has not provided Fyne Homes with an e-mail address, then Fyne Homes will calculate the

cost of providing the environmental information in another format, normally in the form of hard copy printouts.

Circumstances in which fees may not be charged

Fyne Homes may decide not to charge a fee if it is satisfied that it would be uneconomical to issue a fee notice and process payment or if Fyne Homes considers there is a genuine and widespread public interest in the disclosure of the requested environmental information.

Review of this Statement

Fyne Homes will regularly review the approach to charging fees for access to environmental information set out in this Statement to ensure that the fees remain reasonable in accordance with the EIRs, other legal requirements and best practice.

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