



Charging for LGOIMA

Name of Policy:	Charging for LGOIMA
Purpose of Policy:	Sets the policy for charging when appropriate.
Policy Applies to:	All LGOIMA requests that KDC receives.
Approved by:	Executive Team
Responsible for its Updating	LGOIMA Team
Final Approval by:	Executive Team
Policy First Issued	30 November 2023
Proposed Date of Review	30 November 2029

1. POLICY STATEMENT

We follow the [Ombudsman's Guidelines](#) on charging. If the request is not onerous, the Council will not charge. We only charge if it would take a number of days and multiple members of staff to provide the information requested. Approval must be gained from the requester for any charge before work is started.

The letter to the requester must set out:

- a. The decision to release the information, subject to a charge;
- b. The estimated amount of the charge;
- c. Details of how the charge was calculated;
- d. The basis for the proposed charge;
- e. Agreement to proceed with request; and
- f. The requester's right to complain to the Ombudsman.

2. CHARGING FOR LGOIMA

- KDC will consider charging for a request for information that is likely to take a significant amount of research, collation and reproducing of information and will take into account the cost of the labour and materials in the making the information available.
- Where the charge is substantial, KDC should give the requestor an opportunity to refine the scope of the request in order to reduce or remove the need to charge.
- KDC must notify the requestor of the decision to charge at the same time as the requestor is advised of the decision to release information. KDC requires payment in advance and any unused component of the maximum charge will be refunded.
- Charges can be made for making the information available; including time spent retrieving and collating the information and preparing it for release. However, charges **CANNOT** be made for the time spent or any expenses incurred in deciding whether or not to release the information.
- In addition, it may not be reasonable to charge for locating or retrieving information if there are record keeping practices in place that means the information is not stored where it should be in accordance with the KDC's normal prudent business practice.
- KDC will not consider whether and how much to charge for the release of information until it has decided whether (and to what extent) the information can be made available. At the same time consideration will be given to whether reduction or waiver of any proposed charge may be made in recognition of the public interest and/or potential hardship.
- The requestor has the right to complain to Ombudsman about the decision to charge and will be advised of this right by KDC.
- The charges are set out in the annual schedule of [Users Fees and Charges](#) and are consistent with the [Ombudsman's Guidelines](#).

3. CHARGES

- The first one (1) hour of time spent on fulfilling official information requests will be free; and then all additional time will be charged at \$38/half hour.
- The first twenty (20) pages of A4 black and white photocopying will be free, all other charges are as per KDC's administration charges set out in the annual schedule of [Users Fees and Charges](#).
- If external resources are required to process the request, then their actual hourly rate will be charged.
- All other charges incurred shall be fixed at an amount that recovers the actual costs involved. This includes:
 - Producing a document by computer or other like equipment.
 - Colour photocopies
 - Reproducing a photograph, film, video or audio recording.
 - Arranging for the requestors to hear or view an audio recording.
 - Providing a copy of any maps, plans etc.

4. RELEVANT LEGISLATION/DOCUMENTS

This policy should be read in conjunction with:

- Local Government Official Information and Meetings Act 1987;
- Official Information Act 1982;
- Privacy Act 2020;
- Ombudsman Act 1975;
- Public Records Act 2005;
- Copyright Act 1994;
- SOLGM Guidelines for proactive release and publishing of official information for local authorities; and
- Official Information Proactive Release Policy
- LGOIMA Requests Policy.

5. REVIEW PERIOD

This policy will be reviewed every six years unless earlier review is required due to legislative change or is warranted by another reason.