

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 1 – Access to information held by Scottish public authorities

Section 12 – Excessive cost of compliance

52. This section provides that a Scottish public authority need not comply with a request for information if the authority estimates that the cost of complying would exceed an amount set out in regulations made under this section. Such regulations will be subject to affirmative resolution. Section 12(2) allows the regulations to provide that an authority may aggregate the costs of requests for information in specified circumstances where two or more requests are made to the authority by one person or by different persons in certain circumstances.
53. If the authority estimates that the total cost of dealing with such requests would exceed the upper cost threshold set in the regulations, then the authority is not required to comply with either or any of the requests.
54. The regulations may make provision as to the costs to be estimated and the manner in which those costs are to be estimated. For example, the regulations could specify a maximum rate for photocopying costs. The regulations may also make provision as to the manner in which and the time within which information is to be made available publicly under section 12(2)(c).