



ISD INFORMATION REQUEST SERVICE CHARGING POLICY

Version 1.1

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1. INTRODUCTION

1.1 Purpose of Document

The purpose of this document is to set out the policy applied by the Information Services Division (ISD) of NHS National Services Scotland in respect of the application of charges for the recovery of costs incurred in the execution of the Information Request Service (IRS).

Of particular reference to this document are:

- NHS National Services Scotland Publication Scheme
<http://www.nhsnss.org/pages/publications/publications.php?id=45>
- Scottish Information Commissioners Briefing and Guidance
<http://www.itspubliknowledge.info/Law/FOISA-EIRsGuidance/Briefings.asp>
- ISD Information Request Protocol
<http://www.isdscotland.org/isd/servlet/FileBuffer?namedFile=information-request-protocol.pdf&pContentDispositionType=inline>
- ISD Standard Operating Procedure for Parliamentary Questions
<http://www.isdscotland.org/isd/servlet/FileBuffer?namedFile=parliamentary-question-protocol.pdf&pContentDispositionType=inline>
- Freedom of Information (Fees for Disclosure under Section 13) (Scotland) Regulations 2004
<http://www.opsi.gov.uk/legislation/scotland/ssi2004/20040376.htm>

1.2 Scope

This policy deals with the principles regarding charging for work undertaken as part of the Information Request Service. This includes work carried out in response to an information request that is not part of a planned programme of work covered by ISD's core allocation from the Scottish Government.

This policy currently covers charges relating to access to data for personal use as defined under Freedom of Information legislation and excludes charges for the licensing of the information for potential re-use in the future, for example for commercial purposes.

1.3 Exclusions

This policy does not apply to work carried out as part of ISD's normal business planning activities or covered under a specific service level agreement or contract. In these circumstances ISD standard project and financial budget setting rules and policies will apply.

This policy does not apply to research activities, for example data analysis, carried out by ISD staff as part of a funded research project. It also does not apply to specialist information and IT services provided by ISD in support of the NHSScotland and care organisations.

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This policy does not apply to Data Protection Act Subject Access Request charges. Details of these charges are explained on the National Services Scotland (NSS) website's Data Protection pages. http://www.nhsnss.org/pages/home/data_protection.php?id=161

This policy does not apply to Parliamentary Questions which are subject to their own charging procedures as described in the Standard Operating Procedure for Parliamentary Questions. (http://genss.nss.scot.nhs.uk/portal/page?_pageid=514,1563324,514_1856302&_dad=portal&_schema=PORTAL)

This policy does not apply to information supplied under the Freedom of Information (FOI) Act. Details of FOI charges are available from the UK Legislation website. <http://www.opsi.gov.uk/legislation/scotland/ssi2004/20040376.htm>

However requests which originate as FOI requests and are then answered via ISD's IRS, because bespoke new analysis is required, will be subject to the charges set out in this policy.

1.4 Background

ISD is part of NHS National Services Scotland, set up to support the NHS Boards, Scottish Government and partner organisations in the delivery of information and statistics to inform research, support decision making and stimulate debate all with the ultimate aim of improving Scotland's healthcare.

ISD publishes official statistics covering the majority of the health and care statistics affecting the population of Scotland. These statistics are available free for all on the ISD website (www.isdscotland.org).

As a producer of Scottish official statistics recognised by parliamentary legislation, ISD is bound by the Code of Practice for Official Statistics, maintained and monitored by the UK Statistics Authority (<http://www.statisticsauthority.gov.uk/assessment/code-of-practice/code-of-practice-for-official-statistics.pdf>).

Principle 2, practice 9 of that code requires producers to adopt clear pricing policies for supplementary statistical services for which a charge is made.

ISD receives routinely a large number of requests for new information that require professional analysts within ISD to carry out new analyses and extractions of raw data held in national databases. In response to these requests ISD will provide bespoke analysis as part of the Information Request Service subject to a resource and priority assessment, and any overarching rules relating to ISD's statistical governance, and provided that:

- Other information already published or held by ISD, for example a response to a previous information request, is not suitable;
- The customer has stated clearly what information they require and if possible why, to enable ISD analysts to understand the request and provide the most relevant and useful response.

1.5 Charging Policy

This policy will be applied to information requests that require any new data extraction, aggregation, analysis and reporting to be carried out by professional analytical staff within ISD. Examples of such requests include preparing software code to extract and tabulate data from a

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national database of health records, bespoke research analysis or the provision of more extensive statistical outputs e.g. for example standardised rates. It may include reference to other sources of information, e.g. General Register Office (GRO) population data. This new analytical work will not be already available on the ISD website or be otherwise held by ISD, for example as in response to a previous request.

ISD receive requests for information on aspects of health and care in Scotland with reference to Freedom of Information legislation. Where these requests cannot be answered using readily available data then the IRS can be used to provide the information and any charges applied will follow this policy.

ISD will aim to respond to all written requests for information that are not otherwise available, for example through published sources on the website. However resources are limited for this service in order to ensure that priority is given to work that ISD is funded to carry out as part of its core function. In line with Freedom of Information guidance, discretion will be applied to requests that would result in excessive cost to respond. In these cases priority will be given to work required by ISD's core customers who are defined below. Information requests estimated to require new analytical work costing more than £600 will be deemed to be excessive under this policy and subject to negotiation.

ISD will always endeavour to provide information to any request within this excessive cost threshold that is helpful and appropriate for the requestor, even where the original request exceeds the cost threshold. Where possible ISD will aim to proactively publish data that is commonly requested to ensure that it is freely available to all.

ISD will not charge for any information request that is below the cost threshold of £100, in line with Freedom of Information regulations. In addition ISD will not charge for information below a limit of half day of chargeable time if this would incur a higher cost.

In situations where the information requested is already in a form that meets user requirements, ISD will provide this information free of charge if no further analytical work is required. For example this would include data extracted and analysed in response to a previous similar information request.

1.6 Core and Non-core Customers

Most of the information required by core customers will not be chargeable because it will be part of the normal business activities provided by ISD from central funding. There will be specific circumstances however where requests for adhoc work outside these business functions will incur a charge if in excess of the cost threshold. **These would include work as part of a commissioned piece of research, new processing and analysing of non ISD data, Independent contractors (e.g. GPs, pharmacists, etc) requesting data or new analysis for another independent contractor, NHS Board etc. In these circumstances work will be subject to negotiation in relation to other priorities and management discretion will apply.**

Core customers are defined as public bodies which ISD support as part of our key functions and includes the Scottish Government (SG), NHS Scotland organisations and partner organisations such as Local Authorities and drug agencies, Audit Scotland and independent contractors (dentists, GPs, opticians and pharmacists) seeking data for their own practices.

All other customers will be defined as non-core customers and charging may apply as described in section 1.5.

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2. GUIDING PRINCIPLES FOR INFORMATION REQUEST SERVICE CHARGING

2.1 Charging Categories

For the purposes of this policy, cost recovery charges to be applied to an individual IR will fall into one of two categories, depending on the customer. Core and non-core customers are defined in Paragraph 1.6 above.

2.1.1 Core Customers

The calculated charge will be based on full cost recovery i.e. the rate will be based on a basic unit price e.g. per diem rate x days worked due to the need to recover the full staff costs for carrying out the particular analyses outwith normal business activities or planned programme.

2.1.2 Non Core Customers

The calculated charge will be based on a full cost recovery plus overhead rate e.g. per diem rate + overhead rate x days worked. This allows ISD to recover the full staff costs incurred in the development, production and quality assurance of the required analyses.

2.2 Complexity Rating

IRs by their very nature will vary both in terms of complexity and the level of skilled statistical expertise required to deliver the requested information. In recognition of this, and in order to remain flexible in responding to requests whilst at the same time delivering our other corporate business commitments, ISD will assess all IRs based on the following complexity ratings.

2.2.1 Standard

The majority of IRs will be assigned a complexity rating of Standard. In essence this rating will encompass basic tabulations or data extracts that require a certain level of skilled statistical expertise in order to extrapolate, manipulate and format the data to meet the customer requirements.

2.2.2 Advanced

IRs will be assigned a complexity rating of Advanced where it is deemed that a higher level of skilled statistical expertise is required to meet the customer requirements. This would include for example the need for record linkage and/or the application of advanced statistical methodologies e.g. the use of modelling techniques, standardisation rates etc.

2.3 Thresholds

To minimise the administrative burden in respect of the implementation of the charging policy, a threshold will be applied to IRs. For Freedom of Information requests no charge is applied where the cost of the projected effort required to fulfil a request is less than or equal £100. For the purposes of this policy no charge will be applied where the chargeable time taken to complete the IR is less than a half day, i.e. 3.5 hours (a cost of £120 - £175 depending on the customer and complexity of the request).

The above threshold will be applied in line with the Scottish Information Commissioner's guidance on vexatious or repeated requests.

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2.4 Application of Charges

The table below shows when charging, based on person days effort, may be applied. The current charging rates can be found in Annex A.

INFORMATION REQUEST SERVICE		
Person days effort	Core Customers	Non Core Customers
Below Charging Threshold (<3.5 hours)	No Charge	No Charge
<= 2 days	No Charge	Non-core Customer Rate
> 2 days	Core Customer Rate ⁽¹⁾	Non-core Customer Rate

(1) Charging only for work not covered under ISD's normal business activities or central funding. Discuss with line manager before progressing.

IRs estimated to require analytical work costing more than £600 will be deemed to be excessive under this policy and are subject to negotiation.

We do not charge for the time taken to discuss the exact information requirements, determine whether we hold the information requested, nor for the time it takes to decide whether the Information is available and can be released.

In the event that we decide to impose a charge we will issue a notification of the charge (a fees notice) and explain how it has been calculated. There will be three months from the date of issue of the fees notice in which to decide whether to pay the charge to obtain the information. The information will be provided on payment of the charge. If the requestor decides not to proceed with the request there will be no charge applied.

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ANNEXE A – CHARGE RATES

The following table provides information in respect of the actual charges that are applicable in respect of IRs. All costs are subject to review on an ongoing basis, but at least annually in line with changes in costs. The latest rates will be published on the ISD website.

The table depicts the day rate that will be applied to an individual IR according to the complexity assigned by the ISD analyst during the initial assessment of the IR.

The following rates will apply during the financial year 2010/2011.

INFORMATION REQUEST CHARGES As at 1 April 2010		
IR Complexity Rating	<i>Core Customer Daily Rate</i>	<i>Non-core Customer Daily Rate</i>
Standard (per day)	£240	£300
Advanced (per day)	£280	£350

Notes:

1. The current cost threshold is £100. The time threshold is a half day of chargeable time.
2. **No charges** will be levied if the cost of producing the IR is less than the Cost Threshold or if less than the Time threshold if this would incur a higher cost.
3. All charges are subject to review on an ongoing basis.
4. A person day = 7 hours i.e. if the projected effort required is 21 hours this equals 3 person days.
5. All charges quoted are the applicable diem rate (day rate) per IR Complexity Rating.
6. All charges quoted in Non-core Customer Daily Rate include the overhead rate.
7. All charges quoted, exclude VAT, which will be applied at the appropriate rate.
8. The final decision on whether to apply charges is subject to management discretion.