

# A6.2

## Annex 6.2 Charging for Information

---

This annex discusses how public sector organisations should charge for the use and re-use of information, including data, text, images or sound recordings. Much information about public services is available for free. However, when charging for information, it is generally at full cost although there are exceptions.

**A6.2.1** The policy is that much information about public services should be made available either free or at low cost, in the public interest. Most public organisations freely post information about their activities and services on the internet. There should be no additional charge for material made available to meet the needs of particular groups of people e.g. Braille or other language versions. More extensive paper or digital versions of information may carry a charge to cover the costs of production.

**A6.2.2** Information products have an unusual combination of properties: typically, high cost of production combined with low cost of reproduction. They are frequently licensed for the use of many customers simultaneously rather than being sold or otherwise transferred. This can make for complex charging arrangements to recover costs accurately.

**A6.2.3** It is good practice to make available sufficient recent legislation, public policy announcements, consultation documents and supporting material to understand the business of each public sector organisation.

**A6.2.4** Anything originating in Crown bodies, including many public sector organisations, has the protection of Crown copyright. Most Crown copyright information is made available at no charge under Open Government Licence terms.

**A6.2.5** Public sector organisations should maintain information asset registers as part of their asset management strategy<sup>1</sup>.

### Rights to access

**A6.2.6** The terms on which information is made available should be made clear at the point of sale or licensing. There is a clear public interest in maximising access to much public sector material, and this should be borne in mind when deciding what charges should be levied. For this reason many publications can be re-used by others free of charge. However, public sector organisations should take account of copyright issues, using legal advice as necessary.

**A6.2.7** Most public sector organisations choose, as a matter of policy, to make available on the internet information disclosed in response to requests under the Freedom of Information Act 2000 and Environment Information Regulations 2004. Public sector bodies should also note the provisions of the amendments (introduced by the Protection of Freedoms Act 2012) to sections

---

<sup>1</sup> For further information see <http://www.nationalarchives.gov.uk/information-management/manage-information/policy-process/digital-continuity/step-by-step-guidance/step-2/>

11-11B and 19 of the Freedom of Information Act 2000<sup>2</sup> in respect of relevant datasets, where there are statutory duties relating to the format and supply of requested datasets and to their listing in publication schemes, and to charges under a specified licence.

## Information carrying charges

**A6.2.8** Whilst the majority of information is free to access, a number of public sector organisations supply information for which charges are made to cover the associated costs. These include:

- services commissioned in response to particular requests;
- services where there are statutory powers to charge;
- information sold or licensed by trading funds (although they must comply with the rules set out by the re-use regulations – see below);
- publications processing publicly gathered data for the convenience of the public, through editing, reclassification or other analysis;
- retrieval software, e.g. published as a key to using compiled data.

**A6.2.9** Public sector organisations can also charge for supplying some information which recipients intend to process, e.g. for publication in another format. Licences supplied in this way may take a number of forms, including royalties on each additional copy sold in the case of the most commercial applications. The norm is:

- Raw data: license and charge at marginal cost;
- Value added data and information supplied by trading funds: charge at full cost including an appropriate rate of return where this is permitted under the re-use regulations (see paragraph A6.2.11).

**A6.2.10** Where it is intended to charge for environmental information within the scope of Directive 2003/4/EC or for spatial data services within the scope of Directive 2007/2/EC on establishing an infrastructure for Spatial Information in the European Community (INSPIRE) it is important to comply with regulations<sup>3</sup>.

## The Re-use of Public Sector Information Regulations 2015

**A6.2.11** The Re-use of Public Sector Information Regulations 2015<sup>4</sup> set out the circumstances where public sector bodies may charge above marginal cost for licensing the re-use of information. Where it is intended to charge for the re-use of information within the scope of the regulations, it is important to comply with those regulations, paying attention to the clauses that cover requirements to generate revenue.

**A6.2.12** Trading funds, for example, may charge for information where the customer intends to duplicate or process (re-use) such material for profit. In such cases, Crown bodies need to apply for a delegation of authority from the Keeper of Public Records<sup>5</sup> to license the information.

---

<sup>2</sup> Freedom of Information Act 2000 revised - <https://www.legislation.gov.uk/ukpga/2000/36/contents>

<sup>3</sup> INSPIRE Regulations 2009 (SI 2009/3157)

<sup>4</sup> SI 2015/1415 - <http://www.legislation.gov.uk/uksi/2015/1415/contents/made>

<sup>5</sup> <http://www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/uk-government-licensing-framework/crown-copyright/delegations-of-authority/>

**A6.2.13** The regulations set out that “charges for re-use must, so far as is reasonably practicable, be calculated in accordance with the accounting principles applicable to the public sector body”. See Annex 6.3 for further detail on marginal cost pricing.