
STATUTORY INSTRUMENTS

2015 No. 1415

The Re-use of Public Sector Information Regulations 2015

Charging

- 15.—(1) A public sector body may charge for permitting re-use.
- (2) Subject to paragraph (3), any charge for re-use must be limited to the marginal costs incurred in respect of the reproduction, provision and dissemination of documents.
- (3) Paragraph (2) shall not apply to the following—
- (a) a public sector body that is required to generate revenue to cover a substantial part of its costs relating to the performance of its public task;
 - (b) documents for which the public sector body making the charge is required to generate sufficient revenue to cover a substantial part of the costs relating to their collection, production, reproduction or dissemination; or
 - (c) libraries (including university libraries), museums and archives.
- (4) The requirement referred to in paragraph (3)(b) means a requirement defined—
- (a) by law or by other binding rules; or
 - (b) in the absence of such rules, in accordance with common administrative practice.
- (5) In any case where paragraph (3)(a) or (b) applies, the public sector body must calculate the total charge in relation to a document in accordance with paragraph (6).
- (6) The total charge shall not exceed the sum of—
- (a) direct costs;
 - (b) a reasonable apportionment of indirect and overhead costs attributable to chargeable activity; and
 - (c) a reasonable return on investment.
- (7) In any case where paragraph (3)(c) applies, the total income of the public sector body from supplying and permitting re-use of documents over the appropriate accounting period must not exceed the aggregate of the amounts calculated in accordance with paragraph (8) for each document.
- (8) For each document, the amount is the sum of—
- (a) direct costs;
 - (b) a reasonable apportionment of indirect and overhead costs attributable to chargeable activity; and
 - (c) a reasonable return on investment.
- (9) Any 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 from time to time.
- (10) A public sector body must not charge an applicant for—
- (a) direct costs; or
 - (b) indirect and overhead costs,

if the same applicant has been charged in respect of those same costs by that public sector body for access to the same document under information access legislation.

(11) In this regulation—

“apportionment”, in relation to indirect and overhead costs, means the allocation of such costs to each activity of the body in connection with which the costs are incurred;

“chargeable activity”, in relation to a document and a public sector body, means—

- (a) in the case of a body referred to in paragraph (3)(a) or (b), the body’s collection, production, reproduction and dissemination of the document; and
- (b) in the case of a body referred to in paragraph 3(c), the body’s collection, production, reproduction, dissemination, preservation and rights clearance of the document;

“direct costs”, in relation to a document and a public sector body, means costs which are incurred by the body only as a consequence of it undertaking chargeable activity;

“indirect and overhead costs”, in relation to a document and a public sector body, means costs which are not direct costs and which are incurred by the body in connection with—

- (a) chargeable activity; and
- (b) any other of the body’s activities.