

## **Appendix A**



# **Review of Consultation Responses – Consultation on the introduction of fees and cost limits for Freedom of Information Requests**

**Cabinet Office**

**July 2025**

## Introduction

In March 2025 Cabinet Office, on behalf of the Council of Ministers, launched a public consultation on the introduction of fees and cost limits for Freedom of Information (FOI) requests.

Since the inception of FOI requests in 2018, the Isle of Man Government has experienced an average annual increase of around 17% in the number of FOI requests received, this has led to rising costs and resource demands on public authorities, prompting Government to explore measures such as fees and cost limits to manage this burden responsibly. This consultation was conducted to gain the public's views on this important matter and seeks to ensure sustainable management of FOI requests, protecting government resources and improving service delivery without undermining the public's right to information.

Key proposals in the consultation included:

- Introduction of an upfront fee
- Cost/time limits for refusing requests
- Aggregation of similar requests
- Maintaining the right to information

## Overview of Responses

The consultation ran from 17 March to 09 May 2025. There were 434 responses to the consultation received with 20 organisations responding (a 21<sup>st</sup> was discounted as it claimed to be written on behalf of IOM Government). Out of the 20 organisation responses 5 of these were local authorities, 10 were from various government bodies (including departments, boards and the Information Commissioner). The remainder were private organisations and one charity.

**It is important to note that the proposals are still subject to modification and final adjustments may be made following the publication of this document.**

**Would you support a proposal that; a. a public authority can refuse to comply with a request if it estimates that it will take more than 15 hours to answer, therefore setting a prescribed limit of £510 in each instance?**

Over 65% of respondents disagreed with the proposal allowing public authorities to refuse requests that exceed 15 hours, fearing a public authority could restrict access to information. Responses to this question can be summarised in the following themes:

### *Key themes of opposition*

- **Transparency and Accountability:** Many respondents view the proposal as a threat to democratic principles, transparency, and the public's right to hold government accountable.

- **Risk of Abuse:** There is widespread concern that authorities could exploit the time estimate as a blanket excuse to avoid answering inconvenient or politically sensitive requests.
- **Equity and Access:** Charging or refusing based on time/cost is seen as creating a two-tier system, disadvantaging those with fewer financial resources.
- **Government Inefficiency:** Several comments argue that delays and high costs often stem from poor data management, not the nature of the request itself, therefore the public should not be penalised.
- **Distrust in Estimation Process:** Many question how time estimates would be calculated and verified, fearing arbitrary or inflated assessments.

#### *Alternative suggestions*

- **Sliding Scale or Tiered Charging:** Some support charging for requests exceeding a threshold, but only if the requester is informed and agrees to pay.
- **Limits on Repeat or Vexatious Requests:** A few suggest targeting frequent or frivolous requesters rather than imposing a blanket limit.
- **Improved Data Systems:** Calls for better information management to reduce the time needed to fulfil requests.
- **Independent Oversight:** Proposals for an appeals or review mechanism to challenge refusals on time estimates.

#### *Minority Support*

- A small number of responses support the proposal, citing the burden on public resources and the need to deter excessive or trivial requests. However, even among supporters, there is a call for clear guidelines and safeguards to prevent misuse.

**Would you support a proposal that 2 or more similar requests from one person or by different persons that appear to be acting in concert or in pursuance of a campaign, received within 60 days of each other can be aggregated for the purposes of calculating if the prescribed cost limit is exceeded?**

The respondents were evenly divided on the proposal to aggregate similar requests from the same person or coordinated campaigns. 49.8% supported aggregation, while 50.2% opposed it, with significant concerns about fairness, transparency and enforceability.

#### *Supportive views*

- **Efficiency and Cost Control:** Many respondents support aggregation as a way to reduce duplication, manage workloads, and prevent circumvention of cost limits by breaking large requests into smaller ones.
- **Curbing Abuse:** Some believe a small number of individuals or coordinated campaigns are abusing the system, and aggregation could help mitigate this.
- **Administrative Practicality:** A few suggest that if the same information is being requested, it makes sense to respond once and refer others to the same answer.

#### *Key Conditions for Support*

- **Clear Definitions Needed:** Terms like “acting in concert”, “similar,” and campaign” are seen as vague and open to abuse. Many call for strict definitions and safeguards.
- **Transparency and Oversight:** Several respondents stress that any aggregation decision must be clearly explained, subject to review, and not used to suppress legitimate inquiries.
- **Focus on Publishing:** Some suggest that if multiple similar requests are received, the information should simply be published to avoid duplication and maintain openness.

### *Opposing views*

- **Threat to Democratic Rights:** Many respondents argue that this proposal undermines the spirit of FOI legislation and could be used to silence public interest campaigns, journalists, or concerned citizens.
- **Subjectivity and Risk of Misuse:** There is strong concern that public authorities could make arbitrary or biased judgments about who is “acting in concert,” leading to unfair refusals.
- **Transparency over Cost:** A recurring theme is that transparency should not be sacrificed for administrative convenience or cost savings – especially when public trust in government is already low.

**Should it be recognised within any regulations that smaller public authorities outlined within Schedule 1 that are not central government departments will have fewer resources and that a lower costs limit should be adopted in respect of these, for example for those authorities who employ fewer than 20 full time officers?**

Over 60% of respondents expressed concerns about introducing a lower cost limit for smaller authorities, with many highlighting the importance of maintaining consistency in the application of FOI across all government bodies.

### *Key themes of opposition*

- **Transparency Should Be Universal:** Many respondents argued that all public authorities – regardless of size – must be held to the same standards of openness and accountability.
- **No Cost Limits at All:** A number of responses reject the idea of cost limits entirely, making the question of differentiated thresholds irrelevant in their view.
- **Risk of Reduced Access:** Concerns were raised that a lower cost limits could be used to deny legitimate requests, especially in smaller communities where local authorities make impactful decisions.
- **Smaller = Simpler:** Some believe smaller authorities should have less data to manage, and therefore should not need special exemptions or lower thresholds.

### *Conditional or Mixed views*

- **Support for Flexibility, Not restriction:** A few respondents support recognising resource constraints in smaller authorities, but suggest alternatives such as:
  - Longer response times
  - Centralised support or shared services
  - Tiered or proportional frameworks

- **Concerns about Implementation:** Some noted that defining and enforcing a lower cost limit could be complex, subjective, or open to misuse.

#### *Minority support*

- A small number of responses support the proposal, citing the disproportionate burden FOI requests can place on small teams and the need to protect service delivery in under-resourced authorities.

### **Do you have any other comments or suggestions regarding the introduction of cost limits for Freedom of Information requests?**

Overall, the majority of respondents strongly opposed the introduction of cost limits for FOI requests. Responses to this question can be summarised in the following themes:

- **Transparency and Accountability:** Many respondents strongly oppose cost limits, arguing that FOI is essential for holding government accountable and ensuring transparency. Respondents believe any cost would undermine democratic principles and public trust.
- **Equity and Accessibility:** A recurring concern is that introducing fees would disproportionately affect those with lower incomes, creating a two-tier system where only the wealthy can afford to access information.
- **Government Efficiency:** Some suggest that instead of imposing costs, the government should improve its information management and proactively publish commonly requested data to reduce FOI volume.
- **Abuse and Misuse:** A minority support limited charges, particularly for repeat or frivolous requesters. Suggestions include a tiered fee structure or a cap on the number of free requests per year.
- **Cost Justification:** Several responses challenge the claim that FOI requests are costly, noting that staff are salaried and that inefficiencies in record-keeping are the real issue.

### **The Council of Ministers are minded to introduce a fee to make a Freedom of Information request, what are your opinions?**

The majority of responses to this question strongly oppose the introduction of a fee for FOI requests, arguing that it would undermine transparency, restrict democratic accountability, and disproportionately impact those on lower incomes, effectively creating a barrier to accessing public information. Many view FOI as a fundamental right that should remain free, especially given concerns about government secrecy and public trust. In contrast, a smaller number of respondents support the idea, suggesting that a modest fee could deter frivolous or vexatious requests and help recover administrative costs. Some also proposed compromise solutions, such as allowing a limited number of free requests per year or applying fees only in specific circumstances. Overall, while there is some recognition of the burden FOI requests can place on public resources, it is widely felt that financial barriers ought not to restrict access to information.

## What do you consider to be a reasonable fee?

**Option • £10 • £15 • £20 • £25 • Other (please specify)**

Most respondents to this question of what constitutes a reasonable fee for FOI requests strongly favour no fee at all, reflecting a clear public preference for maintaining free access to government-held information. A smaller portion of respondents support a low fee (typically £1-£5), suggesting it could deter misuse without creating a barrier. Fewer still advocate for moderate fees (£25-£50), and only a very small number support high fees (£75 or more), with conditions such as repeated or complex requests.

## If fees were introduced, how do you believe they should be implemented to minimise negative impacts?

- **Opposition to Fees:** A significant majority of respondents strongly oppose the introduction of any fees, viewing them as a barrier to transparency, a threat to democratic accountability, and a move that would disproportionately affect those with fewer resources. Many believe that FOI should remain free and that the government should focus on improving openness rather than restricting access.
- **Support for Fees:** A smaller group expressed support for introducing fees, often citing the need to reduce frivolous or excessive requests and to recover administrative costs. Some departments and individuals believe fees could help manage workloads and improve efficiency.
- **Conditional Support / Alternatives:** Several respondents suggested compromise models, such as allowing a limited number of free requests per year, implementing a sliding scale, or charging only for complex or repeated requests. Others proposed higher fees for commercial users like media organisations.
- **Transparency and Trust:** Many comments highlighted that the root issue is a lack of trust in government. Respondents argued that if the government were more transparent and proactive in publishing information, the volume of FOI requests would naturally decline.
- **Equity and Accessibility:** Concerns were raised about the impact of fees on low-income individuals, with many warning that fees would create a two-tier system where only the wealthy could afford to access public information.
- **Efficiency and Cost Recovery:** Some respondents acknowledged the administrative burden of FOI requests and suggested that fees could help offset costs, but only if implemented fairly and transparently.
- **Suggestions for Implementation:** Proposals included online payment systems, refundable fees under certain conditions, and clear communication about the purpose and structure of any fees. Others recommended that fees be paid upfront or only after a certain number of requests.
- **Criticism of Government:** A recurring theme was frustration with perceived government secrecy, inefficiency, and disregard for public opinion. Many saw the proposal as an attempt to avoid scrutiny and accountability.

- **Other Comments:** A few respondents offered unrelated or general feedback, including calls for better data management, more proactive publication of information, and improved public engagement.

### **Do you have any other comments or suggestions regarding the introduction of charges for Freedom of Information requests?**

The overall response to this question indicated a strong and consistent opposition to the introduction of FOI fees, with most respondents emphasising the importance of transparency, equity, and democratic accountability. Many viewed fees as a barrier to access, particularly for those on lower incomes, and argued that the government should focus on improving efficiency and proactively publishing information rather than restricting access.

This data set offered a broad range of perspectives and detailed suggestions including conditional support, with some respondents proposing sliding scales, limited free requests, or higher fees for commercial users. This dataset also included implementation-focused suggestions, such as online payment systems, refund mechanisms, and clear communication strategies to mitigate public backlash.

The overall response to this question indicate that if fees were to be considered, they must be carefully designed to preserve fairness, transparency, and public trust.

### **Next Steps**

The Council of Ministers is grateful to all of those who took the time to respond to the consultation, which received 434 responses. This level of input reflects the public's interest in maintaining open access to information and underscores the importance placed on transparency and accountability.

While the consultation revealed significant public concern about most of the proposed changes - particularly around the introduction of fees and cost limits—it also provided valuable insights into how the FOI process is perceived and used by individuals across the Island. The majority of respondents were individuals rather than organisations, reinforcing the importance of ensuring that FOI remains accessible to the public.

The Isle of Man Government is resolute in maintaining the standards of openness and transparency established under The Freedom of Information Act 2015. The Council of Ministers is now carefully considering the implications of the consultation findings before making any decisions on the potential introduction of fees or cost limits.

The Cabinet Office, on behalf of the Council of Ministers, would like to thank everyone who took the time to share their views—both through the consultation portal and via other channels. Your input is greatly appreciated and will play a key role in shaping the next steps.

A full copy of the extended results of the consultation exercise can be found at **Annex A**.

## **Annex A**

### Consultation on the introduction of fees and cost limits for Freedom of Information requests

<https://consult.gov.im/cabinet-office/consultation-on-the-introduction-of-fees-and-cost>

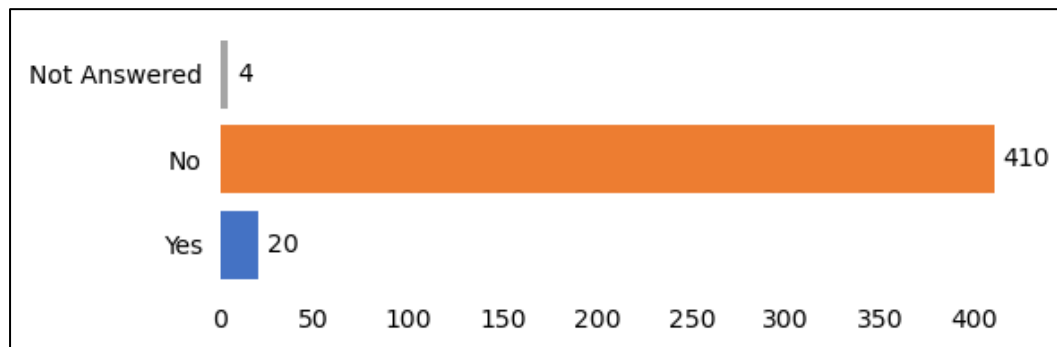
This report was created on Tuesday 27 May 2025 at 13:50

The activity ran from 17/03/2025 to 09/05/2025

Responses to this survey: **434**

Q. Are you responding on behalf of an organisation? **yes / no**

There were 430 responses to this part of the question.



Option	Total	Percent
Yes	20	4.61%
No	410	94.47%
Not Answered	4	0.93%

#### **Organisation**

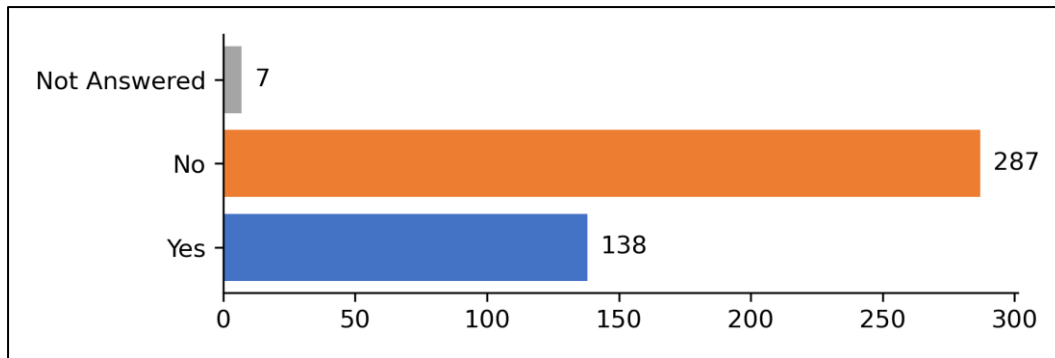
There were 20 responses to this part of the question.

Q. Would you support a proposal that a public authority can refuse to comply with a request if it estimates that it will take more than 15 hours to answer, therefore setting a prescribed limit of £510 in each instance.

**Select one: Yes / No**

There were 425 responses to this part of the question.





Option	Total	Percent
Yes	138	32.47%
No	287	67.53%
Not Answered	7	1.64%

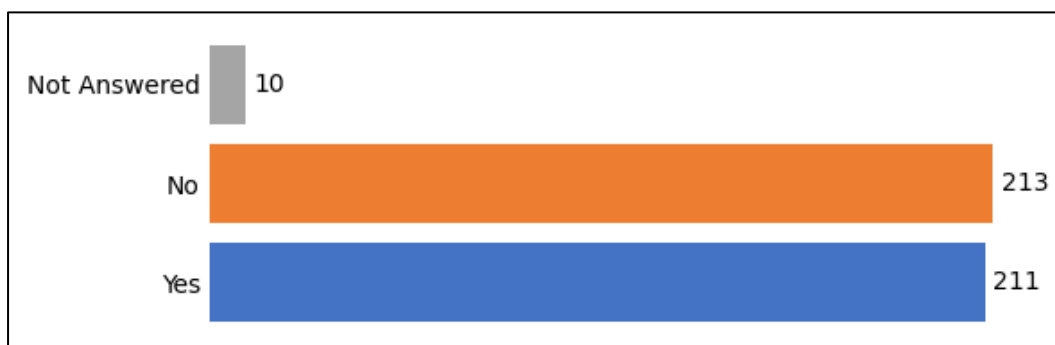
### Comments box

There were 303 responses to this part of the question.

Q. Would you support a proposal that two or more similar requests from one person or by different persons that appear to be acting in concert or in pursuance of a campaign, received within 60 days of each other can be aggregated for the purposes of calculating if the prescribed cost limit is exceeded.

### Select one: Yes / No

There were 424 responses to this part of the question.



Option	Total	Percent
Yes	211	49.76%
No	213	50.24%
Not Answered	10	2.36%

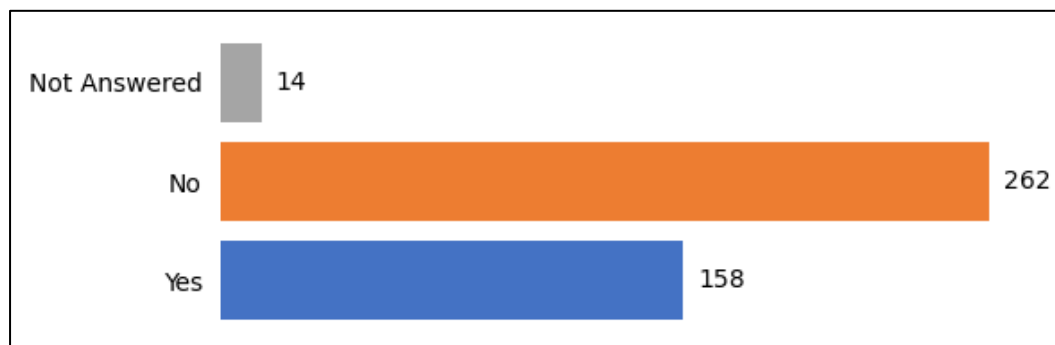
### Comments box

There were 256 responses to this part of the question.

Q. Should it be recognised within any regulations that smaller public authorities outlined within Schedule 1 that are not central government departments will have fewer resources and that a lower costs limit should be adopted in respect of these, for example for those authorities who employ fewer than 20 full time officers?

**Select one: Yes / No**

There were 420 responses to this part of the question.



Option	Total	Percent
Yes	158	37.62%
No	262	62.38%
Not Answered	14	3.33%

#### Comments box

There were 197 responses to this part of the question.

Q. Do you have any other comments or suggestions regarding the introduction of cost limits for Freedom of Information requests?

#### Comments box

There were 270 responses to this part of the question.

Q. The Council of Ministers are minded to introduce a fee to make a Freedom of Information request, what are your opinions?

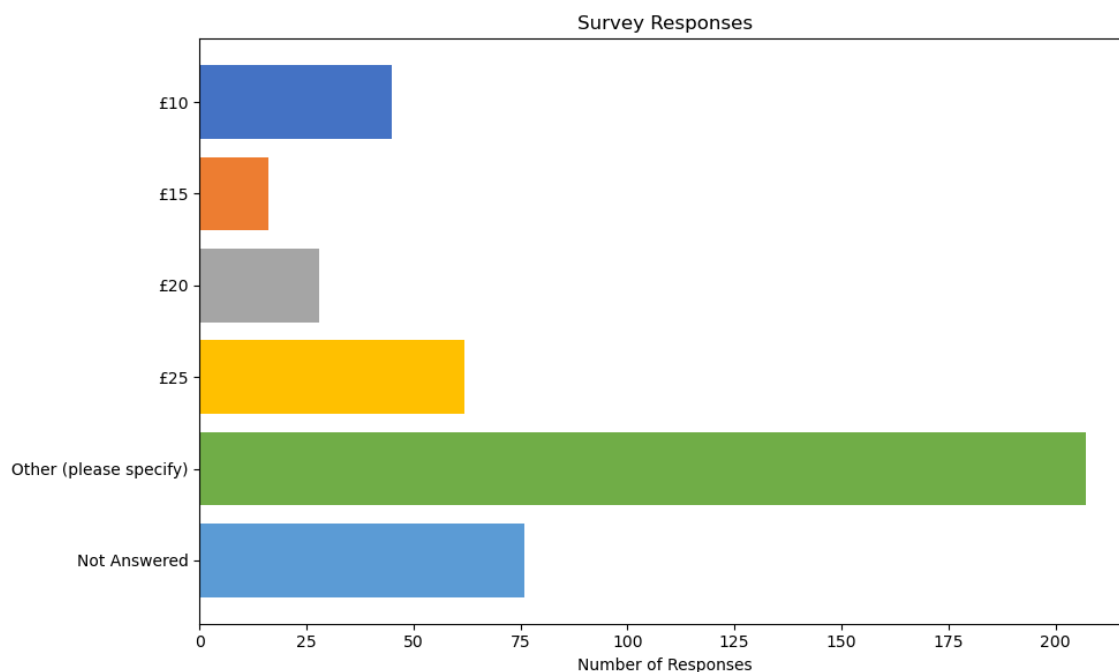
#### Comments box

There were 352 responses to this part of the question.

Q. What do you consider to be a reasonable fee?

**Select one: £10 / £15 / £20 / £25 / Other**

There were 358 responses to this part of the question.



Option	Total	Percent
£10	45	10.47%
£15	16	3.72%
£20	28	6.51%
£25	62	14.42%
Other (please specify)	207	57.82%
Not Answered	76	21.23%

**Comments box (Specify other amount)**

There were 273 responses to this part of the question.

Q. If fees were introduced, how do you believe they should be implemented to minimise negative impacts?

**Comments box**

There were 300 responses to this part of the question.

Q. Do you have any other comments or suggestions regarding the introduction of fees for Freedom of Information requests?

**Answer:**

There were 212 responses to this part of the question.