Model Publication Scheme (updated November 2018)

Introduction

The Freedom of Information (Scotland) Act 2002 (the Act) requires Scottish public authorities to adopt and maintain a publication scheme. Authorities are under a legal obligation to:

- publish the classes of information that they make routinely available
- tell the public how to access the information and whether information is available free of charge or on payment.

The Act also allows for the development of model publication schemes which can be adopted by more than one authority.

About this scheme

This single Model Publication Scheme has been produced and approved by the Scottish Information Commissioner.

It is suitable for adoption by any authority listed in Part 4 of Schedule 1 of the Act (the National Health Service) and any organisation subject to the Act as a result of the Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2013 (recreational, sporting, cultural or social bodies established and financed, wholly or in part, by Scottish local authorities).

The scheme may also be suitable for adoption by other Scottish public authorities. Any other authority who wishes to adopt the scheme should apply to the Commissioner for approval to do so. (The Commissioner will usually restrict the approval period for adoptions by other authorities until the date on which they are due to adopt a new scheme e.g., central government bodies are due to adopt a new scheme in 2016.)

Adopting the single Model Publication Scheme

This single Model Publication Scheme can be adopted only in its entirety, **without amendment**. It commits an authority to:

- **publishing the information**, including environmental information, that it holds and which falls within the classes of information below
- **producing a guide** for the public to that information.

The Commissioner has issued Guidance to accompany this model scheme www.itspublicknowledge.info/MPS. This is essential reading for authorities adopting the model scheme: it explains the above requirements in further detail and lists the types of information the Commissioner expects authorities will publish under each class of information.

Guide to Information

An authority adopting this model scheme must produce a guide to the information it publishes through the scheme. The authority can decide the format of its Guide to Information.

The authority's Guide to Information must:

- allow the public to see what information is available (and what is not available) in relation to each class
- state what charges may be applied
- explain how to find the information easily
- provide contact details for enquiries and to get help with access to the information
- explain how to request information that has not been published.

These requirements are set out in more detail below.

Availability and formats

The information published through this model scheme should, wherever possible, be available on the authority's website. There must be an alternative arrangement for people who do not wish to, or who cannot, access the information either online or by inspection at the authority's premises. An authority may, for example, arrange to send out information in paper copy on request (although there may be a charge for this).

Exempt information

The authority must publish the information it holds that falls within the classes of information below. If a document contains information that is exempt under Scotland's freedom of information laws (for example sensitive personal data or a trade secret), the authority should remove or redact the information before publication and explain why it has done so.

Copyright

The authority must publish a copyright statement which explains what can, and what cannot, be done with information accessed through this model publication scheme. The statement must be consistent with the fair dealing provisions of the Copyright, Designs and Patents Act 1988.

The Commissioner recommends the use of the Open Government Licence. A link to the licence and an alternative sample copyright statement are available in the accompanying Guidance.

Where the authority does not hold the copyright in information it publishes, this should be made clear.

Charges

The authority must publish a charging schedule which explains when there is a charge for publications available through the scheme and how any charge will be calculated. There should be no charge to view information on the authority's website or at its premises, except where there is a statutory fee, for example, where this is permitted for access to some registers.

The authority may charge for computer discs, photocopying, postage and packing and other costs associated with supplying the information, but the charge must be no more than these elements actually cost the authority. The authority may not pass on any other costs for information in Classes 1 – 7 below. An exception is made for commercial publications (see Class 8 below) where pricing is on a retail basis.

When deciding the charges, authorities should be mindful of the Re-use of Public Sector Information Regulations 2005[1].

The authority must give the recipient advance notice of any charges to be applied.

Contact details

The authority must provide contact details for enquiries about any aspect of the adoption of the model scheme, the authority's Guide to Information and for requests for copies of the authority's published information.

The authority is under a duty to provide reasonable advice and assistance to anyone who wants to request information which is not published and the authority's Guide to Information must provide contact details for this purpose.

The Classes of Information

The authority must publish information that it holds which falls within the following classes. Once published, information should be available for the current and previous two financial years. Where information has been updated or superseded, only the current version need be available (previous versions may be requested from the authority).

The Commissioner's Guidance accompanying this scheme provides lists of the types of information authorities are expected to publish under each class. The authority's Guide to Information should make clear what is available under each class.

CLASS 1: ABOUT [NAME OF THE AUTHORITY]
Class description: Information about [name of the authority], who we are, where to find us, how to contact us, how we are managed and our external relations.

CLASS 2: HOW WE DELIVER OUR FUNCTIONS AND SERVICES
Class description: Information about our work, our strategy and policies for delivering functions and services and information for our service users.

CLASS 3: HOW WE TAKE DECISIONS AND WHAT WE HAVE DECIDED
Class description: Information about the decisions we take, how we make decisions and how we involve others.

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[1] Many authorities which are subject to the Act are also covered by the Re-use of Public Sector Information Regulations 2005.

CLASS 4: WHAT WE SPEND AND HOW WE SPEND IT

Class description:
Information about our strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent).

CLASS 5: HOW WE MANAGE OUR HUMAN, PHYSICAL AND INFORMATION RESOURCES

Class description:
Information about how we manage the human, physical and information resources of the authority.

CLASS 6: HOW WE PROCURE GOODS AND SERVICES FROM EXTERNAL PROVIDERS

Class description:
Information about how we procure goods and services, and our contracts with external providers.

CLASS 7: HOW WE ARE PERFORMING

Class description:
Information about how we perform as an organisation, and how well we deliver our functions and services.

CLASS 8: OUR COMMERCIAL PUBLICATIONS

Class description:
Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g., bookshop, museum or research journal.

CLASS 9: OUR OPEN DATA

Class description:
The open data we make available as described by the Scottish Government's Open Data Resource Pack, available under an open licence.