

Publication Scheme Template



www.itspublicknowledge.info

A template to assist Scottish public authorities in developing publication schemes under the Freedom of Information (Scotland) Act 2002.

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INTRODUCTION

This template has been developed to assist Scottish public authorities when revising or otherwise preparing a bespoke publication scheme under section 23 of the Freedom of Information (Scotland) Act 2002 (FOISA). This template can also be used in the preparation of model publication schemes.

The template is designed to be used alongside the Commissioner's guidance on publication schemes. Public authorities **MUST** ensure that they fully review the Commissioner's guidance before submitting a scheme to the Commissioner. The guidance provides further detail on the information which is required before schemes can be approved by the Commissioner. Where relevant, the template will refer users to the appropriate section of the guidance for further information on fulfilling the requirements of that particular section.

When submitting a completed scheme to the Commissioner, authorities **MUST ALSO** ensure that they submit an completed copy of the Commissioner's Publication Scheme Approval Checklist. This is a self-assessment checklist which evidences the manner in which an authority is fulfilling its duties in relation to publication schemes under section 23 of FOISA.

The Commissioner's Publication Scheme Guidance and Publication Scheme Approval Checklist can be found at www.itspublicknowledge.info/PublicationSchemeGuidance.

The following template sets out the various sections which authorities should consider including in their publication schemes. Standard sections are highlighted in bold red text within this document. Authorities must ensure that their schemes contain information relevant to those standard sections. Where standard information is omitted from a publication, the authority will be asked during the approval process to revise that aspect of the scheme. Should an authority fail to revise their scheme appropriately, the Commissioner may decline to approve that scheme.

Where possible, this template recommends text that can be used within the sections. Where an authority adopts the text prepared by the Commissioner with no amendments (other than any appropriate explanatory additions) then that aspect of the scheme will normally be automatically approved by the Commissioner.

Authorities are not obliged to use the suggested text, and may replace this with their own text, where relevant. Any such insertions will then be fully scrutinised as part of the approval process.

In preparing any text for the scheme, authorities should be mindful of the users of the scheme, and should note that the scheme may be used by people who have limited knowledge of the nature and functions of the authority. Authorities should, therefore, use plain language wherever possible, avoiding overly technical terms or descriptions.



THE SECTIONS OF THE SCHEME

The Commissioner's publication scheme template contains the following core sections. Standard elements for all public authority publication schemes are highlighted below in **bold red** text:

	TITLE
SECTION 1:	INTRODUCTION TO THE PUBLICATION SCHEME
SECTION 2:	ABOUT [NAME OF PUBLIC AUTHORITY]
SECTION 3:	PREPARING THE PUBLICATION SCHEME
SECTION 4:	ACCESSING INFORMATION UNDER THE SCHEME
SECTION 5:	INFORMATION THAT WE MAY WITHHOLD
SECTION 6:	OUR CHARGING POLICY
SECTION 7:	OUR COPYRIGHT POLICY
SECTION 8:	OUR RECORDS MANAGEMENT AND DISPOSAL POLICY
SECTION 9:	FEEDBACK
SECTION 10:	COMPLAINTS
SECTION 11:	HOW TO ACCESS INFORMATION NOT AVAILABLE UNDER THE SCHEME
SECTION 12:	CLASSES OF INFORMATION

The following pages contain advice on what information should be included within each section, along with recommended text, where appropriate, which may be adopted by authorities.

Where an authority adopts the text prepared by the Commissioner with no amendments (other than any appropriate explanatory additions) then that aspect of the scheme will normally be automatically approved by the Commissioner.



TITLE

- 0.1 The scheme Title should include both the title of the scheme itself, and the title of the authority.
- 0.2 It is essential that your publication scheme can be easily located by its title, so it is easily identifiable in e.g. web searches.
- 0.3 Further guidance on creating an appropriate title for your scheme can be found within **section 4a** of the Commissioner's publication scheme guidance.

RECOMMENDED TEXT:

***[Insert name of public authority]* Publication Scheme**
Produced as required by the Freedom of Information (Scotland) Act 2002

SECTION I: INTRODUCTION TO THE PUBLICATION SCHEME

- I.1 The introduction to the publication scheme should fulfil five main functions. It should ideally:
 - I.1.1 Set out the general purpose of the Freedom of Information (Scotland) Act 2002
 - I.1.2 Explain why your authority has a publication scheme.
 - I.1.3 Set out the purposes and aims of the scheme, and what you hope to achieve through the scheme. This might, for example, include improving public access to the information you hold, and encouraging public awareness of, and participation in, the decisions you make.
 - I.1.4 Refer to your authority's fulfilment of its duty to actively disseminate information under Regulation 4 of the Environmental Information (Scotland) Regulations 2004 (the EIRs).
 - I.1.5 Provide an overview of the general right of access to information not available through the scheme.
- I.2 Further guidance on preparing the introduction to your scheme can be found within **section 4b** of the Commissioner's publication scheme guidance (*Purpose and aim of the scheme*).



RECOMMENDED TEXT:

SECTION 1: INTRODUCTION TO THE PUBLICATION SCHEME

The Freedom of Information (Scotland) Act 2002 (FOISA) provides individuals with a right of access to all recorded information held by Scotland's public authorities. Anyone can use this right, and information can only be withheld where FOISA expressly permits it.

Section 23 of FOISA also requires that all Scottish public authorities maintain a publication scheme. A publication scheme sets out the types of information that a public authority routinely makes available. This scheme has been approved by the Scottish Information Commissioner, who is responsible for enforcing FOISA. We are also obliged to review this scheme from time to time.

The purpose of the scheme is to provide you with details of the range of information that we routinely publish. The scheme also provides details of how you can access this information, and tells you whether it is available free, or if there is a charge for the information. *[Authorities may wish to insert additional text here regarding the aims and purpose of the scheme, in line with point 1.1.3 above].*

Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (the EIRs) provide a separate right of access to the environmental information that we hold. This publication scheme also contains details of the environmental information that we routinely make available.

Where information is not published under this scheme, you can request it from us under FOISA or, in the case of environmental information, the EIRs. For further information on accessing information not covered by this scheme, refer to *Section 11 – How to access information not available under the scheme*.

SECTION 2: ABOUT [NAME OF PUBLIC AUTHORITY]

2.1 Section 2 of your publication scheme should:

2.1.1 State the full title of your authority.

2.1.2 Explain the main functions and responsibilities of your public authority. In preparing this text, please use plain language wherever possible, avoiding technical language or unexplained abbreviations.

2.2 Further guidance on preparing the introduction to your scheme can be found within **section 4c** of the Commissioner's publication scheme guidance (*Information about the authority and its functions*).



SECTION 3: PREPARING THE PUBLICATION SCHEME

- 3.1 In this section you should refer to the requirements of public authorities set out in section 23 of FOISA.
- 3.2 You should also set out the work that has been undertaken to prepare your publication scheme, and the steps that have been taken to identify information of public interest which should be included in the scheme. This may include reference to any public consultations, reviews of information requests, assessments of previous publication scheme feedback, staff surveys or information audits carried out by the authority.

RECOMMENDED TEXT:

SECTION 3: PREPARING THE PUBLICATION SCHEME

When preparing or reviewing our publication scheme, we are obliged by FOISA to have due regard to the public interest in providing access to the information that we hold which relates to:

- the services we provide;
- the costs of those services;
- the standard of those services;
- the facts that inform the important decisions we take; and
- the reasoning that informs our decisions.

In preparing this publication scheme [*Insert name of publication authority*] has [*Insert details of the work undertaken by the authority to identify appropriate information to be included under the scheme, as suggested by paragraph 3.2 above*].



SECTION 4: ACCESSING INFORMATION UNDER THE SCHEME

- 4.1 Explain the various routes through which people can access the information under your scheme.
- 4.2 It is likely that information will commonly be accessible through your website. It may, therefore, be helpful to provide information here on how to search the website to access relevant information. Where possible, it will be good practice to include links to relevant online information within your classes of information (see *Section 12 – Classes of Information*).
- 4.3 Information available through a website should in most circumstances also be made available in hard copy.
- 4.4 Authorities should be fully prepared to advise, assist and support applicants who are having difficulty in identifying or locating the information they seek within the scheme. You should include details of a contact within your authority who can assist individuals in accessing information under the scheme.
- 4.5 Further guidance on preparing this section of your scheme can be found in **section 4d** of the Commissioner’s Publication Scheme Guidance (*Contact details, how to access information and formats*).

RECOMMENDED TEXT:

SECTION 4: ACCESSING INFORMATION UNDER THE SCHEME

Information available under our publication scheme will normally be available through the routes described below. *Section 12 – Classes of Information* provides more details on the information available under the scheme, along with additional guidance on how the information falling within each “class” may be accessed.

Online:

Most information listed in our publication scheme is available to download from our website. In many cases a link within *Section 12: Classes of Information* will direct you to the relevant page or document. Where no such link is present, you can use our website’s “Search” facility at [Insert appropriate search URL]. If you are still having trouble finding any document listed under our scheme, then please call [insert contact details] for further assistance.

By email:

If the information you seek is listed in our publication scheme but is not published on our website, we can send it to you by email, wherever possible. When requesting information from us, please provide a telephone number so that we can telephone you to clarify details, if necessary.

By phone:

Information can also be requested from us over the telephone. Please call [Insert contact details] to request information available under this scheme.



By post:

All information under the scheme will normally be available in paper copy form. Please address your request to:

[Insert contact details]

When writing to us to request information, please include your name and address, full details of the information or documents you would like to receive, and any fee applicable (see *Section 6: Our Charging Policy* for further information on fees). Please also include a telephone number so we can telephone you to clarify any details, if necessary.

Personal visits:

In limited cases, you may be required to make an appointment to view the information. In such cases, this will be set out within *Section 12 – Classes of Information*, and contact details will be provided within the relevant class.

*[N.B. The ‘Personal visits’ section should only be inserted in those limited cases where an authority makes information available by inspection only. If the authority contains no information which is available by inspection only, then this section should not normally be included. Where information within a class is made available by inspection only, this should be clearly identified within the relevant class in Section 12 – Classes of Information. The Commissioner will not approve publication schemes containing inspection only information unless he is satisfied that it is both reasonable for this to be the case, **and** that the authority has provided appropriate justification for the information not being subject to section 1 requests under FOISA..]*

Advice and assistance:

If you have any difficulty identifying the information you want to access, then please contact *[insert details]* who will be happy to help.



SECTION 5: INFORMATION THAT WE MAY WITHHOLD

- 5.1 Unless your authority has defined its classes of information in such a way as to make clear what specific information is exempt from each class, you should insert a statement setting out that some information falling within the class may be exempt under FOISA, or excepted under the EIRs.

RECOMMENDED TEXT:

SECTION 5: INFORMATION THAT WE MAY WITHHOLD

All information covered by our publication scheme can either be accessed through our website, or will be provided promptly following our receipt of your request.

Our aim in maintaining this publication scheme is to be as open as possible. You should note, however, that there may be limited circumstances where information will be withheld from one of the classes of information listed in *Section 12 – Classes of Information*. Information will only be withheld, however, where FOISA (or, in the case of environmental information, the Environmental Information (Scotland) Regulations 2004) expressly permits it.

Information may be withheld, for example, where its disclosure would breach the law of confidentiality, harm an organisation's commercial interests, or endanger the protection of the environment. Information may also be withheld if it is another person's personal information, and its release would breach the data protection legislation. *[Public authorities may wish to amend this list to reflect those exemptions or exceptions which relate most closely to the information they hold. Authorities with a responsibility for law enforcement, for example, may wish to make explicit reference to appropriate exemptions/exceptions.]*

Whenever information is withheld we will inform you of this, and will set out why that information cannot be released. Even where information is withheld it may, in many cases, be possible to provide copies with the withheld information edited out.

If you wish to complain about any information which has been withheld from you, please refer to *Section 10 – Complaints*.



SECTION 6: OUR CHARGING POLICY

- 6.1 Section 23(2)(b) of FOISA sets out that an authority's publication scheme must specify whether the published information is, or is intended to be, available free of charge or on payment.
- 6.2 The Commissioner's recommended charging policy is set out below. Where an authority adopts the Commissioner's recommended charging policy with no amendments, then automatic approval will be granted to that part of the scheme.
- 6.3 Authorities are free, however, to develop their own charging policies, which will be scrutinised as part of the publication scheme approval process. Where charges are applied to particular information in the scheme, the Commissioner expects these to be reasonable, and to be set at a level no higher than to reflect the actual cost to the authority of producing the information and making it available.
- 6.4 Where the Commissioner is of the view that charges or a charging policy are unreasonable, he will challenge their inclusion in the publication scheme.
- 6.5 Further guidance on preparing this section of your scheme can be found within **section 4e** of the Commissioner's publication scheme guidance (*Charging policy*).

RECOMMENDED TEXT:

SECTION 6 – OUR CHARGING POLICY

Unless otherwise stated in *Section 12 – Classes of Information*, all information contained within our scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by email.

[The first part of this sentence, reading – “Unless otherwise stated in Section 12 – Classes of Information” - can be removed if there are no circumstances where the authority charges for information other than under the Section 6 charging policy.]

We reserve the right to impose charges for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage to the authority, as set out below.

In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

Reproduction costs:

Where charges are applied, photocopied information will be charged at a standard rate of 10p per A4 side of paper (black and white copy) and 30p per A4 side of paper (colour copy).

Computer discs will be charged at the rate of £1.00 per CD-Rom.

Postage cost:

We will pass on postage charges to the requester at the cost to the authority of sending the information by first class post.



[The following paragraph is optional, and should only be included if relevant to your authority]:

There are also a small number of publications for which *[insert name of authority]* makes a charge. These documents include *[Insert examples of documents]*. These publications will be charged at the cover price, plus actual postage costs, as charged by the Royal Mail. Details of any individual charges which differ from the above charging policy are provided within *Section 12 – Classes of Information*.

SECTION 7: OUR COPYRIGHT POLICY

- 7.1 This section must explain to people what they can and cannot do with the information they receive under your publication scheme.
- 7.2 The Commissioner has produced the following standard copyright statement which may be used by any authority in its publication scheme. If this statement is adopted by the authority, this element of the publication scheme will receive automatic approval. Authorities may, however, insert their own copyright statements, which will then be scrutinised as part of the approval process.
- 7.3 Further guidance on preparing this section of your scheme can be found within **section 4f** of the Commissioner's publication scheme guidance (*Copyright policy*).

RECOMMENDED TEXT:

SECTION 7: OUR COPYRIGHT POLICY

[Name of public authority] holds the copyright for the vast majority of information in this publication scheme. All of this information can be copied or reproduced without our formal permission, provided it is copied or reproduced accurately, is not used in a misleading context, and provided that the source of the material is identified.

The publication scheme may, however, contain information where the copyright holder is not *[name of public authority]*. In most cases the copyright holder will be obvious from the documents. In cases where the copyright is unclear, however, it is the responsibility of the person accessing the information to locate and seek the permission of the copyright holder before reproducing the material or in any other way breaching the rights of the copyright holder. Wherever possible, this scheme will indicate where we do not own the copyright on documents within *Section 12 – Classes of Information*.

Information about Crown copyright material is available on the website of the Queens Printer for Scotland at www.oqps.gov.uk. We can provide you with a copy of this information if you do not have internet access.



SECTION 8: OUR RECORDS MANAGEMENT AND DISPOSAL POLICY

- 8.1 Insert details of your archiving policy and/or document retention policy here (where available). Authorities should be aware that the Scottish Ministers' *Code of Practice on Records Management* (www.scotland.gov.uk/About/FOI/18022/13383) recommended that all Scottish Public Authorities put in place a records management strategy, which sets out arrangements for creation, retention and disposal of the records.
- 8.2 Authorities should be mindful of any legislative duty they have with regard to the retention of records in the development of their archiving policy. There may also be guidance on records retention available within a particular sector.
- 8.3 If your archiving policy is detailed, then it will be appropriate to provide a brief summary of the policy here, along with details of where, within your publication scheme, the fuller version of the policy can be accessed. Where the policy is available online, it will be appropriate to include a direct link within this section.
- 8.4 Further guidance on preparing this section of your scheme can be found within **section 4g** of the Commissioner's publication scheme guidance (*Records management and disposal policy*).



SECTION 9: FEEDBACK

- 9.1 It is good practice to invite scheme users to provide comments and suggestions on your publication scheme. This will ensure that the scheme most appropriately meets the requirements of scheme users, while also assisting you with the duty, under section 23(1)(c) of FOISA, to review your scheme from time to time.

RECOMMENDED TEXT:

SECTION 9: FEEDBACK

FOISA requires that we review our publication scheme from time to time. As a result, we welcome feedback on how we can develop our scheme further. If you would to comment on any aspect of this publication scheme, then please contact us. You may, for example wish to tell us about:

- other information that you would like to see included in the scheme;
- whether you found the scheme easy to use;
- whether you found the publication scheme useful;
- whether our staff were helpful;
- other ways in which our publication scheme can be improved.

Please send any comments or suggestions to *[Insert contact details, including email address]*.



SECTION 10: COMPLAINTS

- 10.1 This section should provide information about how complaints about the publication scheme will be dealt with. This should include full contact details of the person responsible for dealing with complaints under the scheme.
- 10.2 You should also provide information on the role of the Scottish Information Commissioner here.
- 10.3 Further guidance on the preparation of this section can be found within **section 4h** of the Commissioner's publication scheme guidance (*Complaints*).

RECOMMENDED TEXT:

SECTION 10: COMPLAINTS

Our aim is to make our publication scheme as user-friendly as possible, and we hope that you can access all the information we publish with ease. If you do wish to complain about any aspect of the publication scheme, however, then please contact us, and we will try and resolve your complaint as quickly as possible. You can contact:

[Insert contact details]

Any complaint will be acknowledged within two working days of receipt and we will respond in full within twenty working days.

You have legal rights to access information under this scheme and a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our response. These rights apply only to information requests made in writing* or another recordable format. If you are unhappy with our responses to your request you can ask us to review it and if you are still unhappy, you can make an appeal to the Scottish Information Commissioner.

The Commissioner's website has a guide to this three step process, and he operates an enquiry service on Monday to Friday from 9:00am to 5:00pm. His office can be contacted as follows:

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Tel: 01334 464610
Email: enquiries@itspublicknowledge.info
Website: www.itspublicknowledge.info

*verbal requests for environmental information carry similar rights.



SECTION 11: HOW TO ACCESS INFORMATION WHICH IS NOT AVAILABLE UNDER THIS SCHEME

- 11.1 Publication schemes must each contain a section setting out the route by which information that is not available under the scheme can be obtained. This section should include:
- 11.1.1 An overview of FOISA, EIR and Data Protection rights
 - 11.1.2 Contact details for making requests for information
 - 11.1.3 An overview of the charging policy for FOISA requests
 - 11.1.4 Full details of the authority's schedule of fees for environmental information requests, as required by regulation 8 of the EIRs
 - 11.1.5 A brief overview of the charging policy under the Data Protection Act 1998
- 11.2 Further guidance on the preparation of this section can be found within **section 4i** of the Commissioner's publication scheme guidance (*Accessing information which is not available under the scheme*).

SECTION 11: HOW TO ACCESS INFORMATION WHICH IS NOT AVAILABLE UNDER THIS SCHEME

If the information you are seeking is not available under this publication scheme, then you may wish to request it from us. The Freedom of Information (Scotland) Act 2002 (FOISA) provides you with a right of access to the information we hold, subject to certain exemptions. The Environmental Information (Scotland) Regulations 2004 (EIRs) separately provide a right of access to the environmental information we hold, while the Data Protection Act 1998 (DPA) provides a right of access to any personal information about you that we hold. Again, these rights are subject to certain exceptions or exemptions.

Should you wish to request a copy of any information that we hold that is not available under this scheme, please write to *[insert contact details]*.

Charges for information which is not available under the scheme:

The charges for information which *is* available under this scheme are set out under section 6 – Our Charging Policy. If you submit a request to us for information which *is not* available under the scheme the charges will be based on the following calculations:

General information requests:

- There will be no charge for information requests which cost us £100 or less to process.
- Where information costs between £100 and £600 to provide you may be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50, that calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.



- We are not obliged to respond to requests which will cost us over £600 to process.
- In calculating any fee, staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.
- We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.
- In the event that we decide to impose a charge we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges for environmental information:

We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for providing information to you e.g. photocopying and postage.

In the event that we decide to impose a charge we will issue you with notification of the charge and how it has been calculated. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges are calculated on the basis of the actual cost to the authority of providing the information.

- Photocopying is charged at 10p per A4 sheet for black and white copying, 30p per A4 sheet for colour copying.
- Postage is charged at actual rate for first class mail.
- Staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.

The first £100 worth of information will be provided to you without charge.

Where information costs between £100 and £600 to provide you will be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50, that calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.

Where it would cost more than £600 to provide the information to you, however, we will ask you to pay the full cost of providing the information, with no waiver for any portion of the cost.

Requests for your own personal data:

[Insert details of your charging policy for requests for personal data]

SECTION 12: CLASSES OF INFORMATION

- 12.1 Section 12 is by far the most important section of your publication scheme, and will be scrutinised carefully by the Commissioner prior to scheme approval. This section sets out the various “classes” of information published by the authority under its scheme – telling the user what type of information they can access under the scheme and, frequently, how they can access it.



- 12.2 In preparing the classes to be included within your publication scheme, authorities **must refer in detail** to *section 4: Contents of the Scheme* in the Commissioner’s publication scheme guidance, which provides further information and guidance on the preparation of classes under your publication scheme, and the types of material to be included.
- 12.3 FOISA refers to the publication of “classes” of information. Authorities are not, therefore, required to provide a full and exhaustive list of all documents published by the authority, but rather that the broad types of information published should be set out in the publication scheme.
- 12.4 It is important that each class of information is appropriately described so that scheme users can easily understand what information will (and more importantly won’t) be available under each class. “Class descriptions” (explanatory text accompanying each class which clearly describes the types of information available) should be used to ensure that this is clear to scheme users. It will frequently be appropriate, when preparing class descriptions, to provide examples of the types of information available under the class.
- 12.5 It may also be appropriate to introduce “sub-classes” within wide-ranging classes, along with additional appropriate sub-class definitions.
- 12.6 In certain circumstances, classes of information should set out the format in which information within that class is available, and whether there are relevant charges. This should be done in circumstances where the availability of information within the class is restricted in any way (e.g. where information is available through the website or by inspection only), or where the charge for any document differs from the routine charges set out under *Section 6 – Our Charging Policy*.