

## Freedom of Information Act

### Definition document for Joint Authorities and Boards in Part II of Schedule I of the Freedom of Information Act

This guidance is for such bodies as fire and rescue authorities, waste disposal authorities, passenger transport authorities, port health authorities and other joint authorities and boards established in accordance with the legislative provisions mentioned in Part II of Schedule I of the Freedom of Information Act 2000.

This guidance gives examples of the kinds of information that we would expect joint authorities and boards to provide in order to meet their commitments under the model publication scheme.

We would expect these bodies to make the information in this definition document available unless:

- they do not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited under another statute;
- the information is readily and publicly available from an external website; such information may have been provided either by the joint authority or board or on its behalf. The joint authority or board must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or,
- it would be impractical or resource-intensive to prepare the material for routine release.

The guidance is not meant to give an exhaustive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and authorities should look to provide as much information as possible on a routine basis.

## Publishing datasets for re-use

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published [guidance](#) on the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use".

### Who we are and what we do

Organisational information, structures, locations and contacts.

We would normally expect information in this class to be for the current year only.

- **Structure of the authority**

Names of members of the authority or board and any council or other body represented by those members. Committee and sub committee structure. Details of any other authority providing administrative support.

- **Staff structure of the authority**

Basic staff structure, management structure, chief officer's details, numbers in post.

- **Contact information**

This should give an indication at least of offices and buildings open to the public, the role of any contact, phone number and where used e mail address. Where possible, give named contacts.

- **Geographical area of operation**
- **General outline of responsibilities**

<ul style="list-style-type: none"> <li>• <b>Relationship with other authorities</b></li> </ul> <p>It will assist members of the public to appreciate the role of the authority if partnership or joint board arrangements with other authorities are detailed and the relationships with, for example, central government departments and local authorities are outlined.</p>
<p><b>What we spend and how we spend it</b>            Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.</p>
<p>We would expect as a minimum that financial information for the current and previous two financial years should be available.</p> <ul style="list-style-type: none"> <li>• <b>Summary of revenue budget estimates and capital expenditure plans</b></li> <li>• <b>Annual statement of accounts</b></li> <li>• <b>Financial audit reports</b></li> <li>• <b>Staff pay and grading structure</b></li> <li>• <b>Expenses paid to or incurred by members of the authority and senior officers</b></li> </ul> <p>Details of the allowances and expenses that can be claimed or incurred. It should include the total of the allowances and expenses paid to individual senior staff and authority members by reference to categories. These categories should be produced in line with the authority's policies, practices and procedures and will be under headings like travel, subsistence and accommodation.</p> <ul style="list-style-type: none"> <li>• <b>Procurement procedures</b></li> <li>• <b>List of contracts and value</b></li> </ul> <p>We do not expect that all information about all contracts however small to be included in this scheme. We would normally expect there to be ready access to information about contracts that are large enough to have required a tendering process in accordance with financial regulations or are in relation to capital items.</p> <ul style="list-style-type: none"> <li>• <b>Internal financial regulations and delegated authority</b></li> </ul>
<p><b>What our priorities are and how we are doing</b>            Strategies and plans, performance indicators, audits, inspections and reviews.</p>
<p>We would expect information in this class to be available at least for the current and previous two years.</p> <ul style="list-style-type: none"> <li>• <b>Strategic plan, business plan, aims and objectives</b></li> <li>• <b>Reports indicating service provision, performance assessments, operational assessment reports</b></li> </ul>

<ul style="list-style-type: none"> <li>• <b>Reports by external inspectors</b></li> <li>• <b>Joint strategies</b></li> <li>• <b>Statistical information</b></li> </ul>
<p><b>How we make decisions</b> Decision making processes and records of decisions.</p>
<p>We would expect information in this class to be available at least for the current and previous two years.</p> <ul style="list-style-type: none"> <li>• <b>Schedule of meetings open to the public</b></li> <li>• <b>Agendas and approved minutes of the authority and authority sub-committees</b></li> </ul> <p>This will be the information that is required to be publicly available under local authority access to information rules.</p> <ul style="list-style-type: none"> <li>• <b>Background papers for meetings open to the public</b></li> <li>• <b>Facts and analyses of facts used for decision making</b></li> <li>• <b>Public consultations</b></li> </ul>
<p><b>Our policies and procedures</b> Current written protocols, policies and procedures for delivering our services and responsibilities.</p>
<p>We would normally expect information in this class to be for the current year only.</p> <ul style="list-style-type: none"> <li>• <b>Policies and procedures for the conduct of authority business</b></li> </ul> <p>Standing Orders, delegated powers, corporate governance, code of conduct, memoranda of understanding, standing orders and similar matters.</p> <ul style="list-style-type: none"> <li>• <b>Policies and procedures for the provision of services</b></li> </ul> <p>Policies of the authority that affect the manner in which services are provided. This will include any policies and procedures for handling requests for information.</p> <ul style="list-style-type: none"> <li>• <b>Policies and procedures about the employment of staff</b></li> </ul> <p>Such as equality, recruitment, discipline, grievance, health and safety. If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.</p> <ul style="list-style-type: none"> <li>• <b>Customer service</b></li> </ul> <p>Standards for the provision of services to the authority's customers, including the complaint procedure. Complaints procedures will include those covering</p>

requests for information and operating the publication scheme.

- **Internal instructions, manuals and guidelines**

Where access to internal instructions, manuals and guidelines for dealing with the business of the authority would assist public understanding of the way decisions are made these should be readily available. We would not expect information that might damage the operations of the authority to be revealed.

- **Records management and personal data policies**

This will include information security policies, records retention, destruction and archive policies, and data protection (including data sharing) policies.

- **Charging regimes and policies**

Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published and clearly state what costs are to be recovered together with the basis on which they are made and how they are calculated.

### **Lists and registers**

We expect this to be information contained only in currently maintained lists and registers.

- **Asset lists and information asset register**

We would not expect departments to publish all details from all asset registers. We would expect some information from capital asset registers to be available. If a department has prepared an information asset register for the Re-use of Public Sector Information Regulations 2005, it should publish the contents.

- **Registers open to public inspection (and arrangements for access to the contents)**

If a department is required to maintain any register and make the information in it available for public inspection, the existing provisions covering access will usually be adequate. However, we expect authorities to publicise which public registers they hold, and how the information in them is to be made available to the public. Where registers contain personal information, authorities must ensure that they consider the data protection principles.

- **Register of members' interests**
- **Register of gifts and hospitality**

### **The services we offer**

Information about the services we offer, including leaflets, guidance and

newsletters.

Generally this is an extension of part of the first class of information. While the first class provides information on the authority's roles and responsibilities, this class includes details of the services the authority provides. The starting point would normally be a list or lists of the services the department is responsible for, linked to details of these services.

- **Information about the provision of the authority's services**
- **Regulatory responsibilities and procedures**
- **Leaflets and explanatory booklets**
- **Services for which the council is entitled to recover a fee, together with those fees**
- **Media releases**



### **Fire Services**

- **Fire Service Reports on major incidents**

While we would expect fire service authorities to publish some information about major incidents which have generated public interest, we would not expect the full contents of fire damage and accident reports to be made available as a matter of routine. In view of the nature of these reports, they will inevitably contain personal and other confidential material. The full report will need to be prepared for the internal procedures of the Fire Service and for fire monitoring generally and fire service authorities may wish to make them available on request with the deletion of material that should not be made public. In particular, fire services need to be aware of any requirement to release what would amount to environmental information. We would recognize, in view of the additional fees involved, that an administrative charge could be made for this redacted copy as long as any charge did not act as an obstacle to its provision. This would not in any way interfere with the opportunity of the Fire Service to make a full copy of the report available to those who request it at a commercial charge, where the identity of the requestor is taken into account, taking it outside the provisions of the FOIA, subject to safeguards about the personal and sensitive material.

We would not expect fire services to make available as a matter of course information contained in fire safety plans or fire safety risk assessments.