

## Freedom of Information Act 2000

### Definition document for Northern Ireland Non-Departmental Public Bodies and other public authorities

This guidance gives examples of the kinds of information that we would expect non-departmental public bodies (NDPBs) in Northern Ireland to provide in order to meet their commitments under the model publication scheme. This guidance may also be relevant to other public authorities which do not have a sector-specific definition document (references to NDPBs in this document includes those other authorities).

We would expect NDPBs 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 NDPB or on its behalf. The NDPB 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- the information is archived, out of date or otherwise inaccessible; or,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 NDPBs 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 expect information in this class to be current information only.

- **Roles and responsibilities**

NDPBs should be providing both outline and detailed information about their roles and responsibilities and the roles and responsibilities of those working in them at senior level.

- **Organisational structure**

An explanation of the internal structures of the NDPB referring to its functions and how the structure relates to the roles and responsibilities.

- **Information relating to the legislation relevant to the NDPB's functions**

An explanation of the legislative basis of the activities of the NDPB. If appropriate an explanation of any legislation for which the NDPB

takes the lead.

- **Lists of and information relating to organisations with which the NDPB works in partnership**

It is expected that this information need be only sufficient for the purposes of identifying the relationship between these bodies and the NDPB. This will include the identity of the sponsoring government department.

- **Meetings of Chief Executive or Board members with Ministers and external organisations (including meetings with newspaper and other media proprietors, editors and senior executives)**
- **Senior executives and management board members**

Identification of, responsibilities of and biographical details of those making strategic and operational decisions about the provision of the NDPB's services. Any biographical details that are not work related should be published only with consent.

- **The locations and contact details for the NDPB**

This should cover the NDPB at all levels from the central body to any offices open to the public for the conduct of the NDPB's business. It always assists to provide a named contact where this can be done.

### **What we spend and how we spend it**

Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.

We would expect as a minimum that financial information for the current and previous two financial years should be available.

- **Financial statements, budgets and variance reports**

Details of NDPB spending over £30,000.

Details of NDPB contracts and tenders worth over £30,000.

Details of government procurement card spend over £500.

Financial information in enough detail to allow the public to see where money is being spent, where a NDPB is or has been planning to spend it, and the difference between the two. Financial information should be published at least annually and, where practical, we would also expect half yearly or quarterly financial reports to be provided.

Revenue budgets and budgets for capital expenditure should be included.

- **Capital programme**

Information should be made available on major plans for capital expenditure including any private finance initiative and public private partnership contracts.

- **Spending reviews**
- **Financial audit reports**
- **Senior staff and board members' allowances and expenses**

For the purposes of this document, senior staff are defined as those earning at least £63,994 per annum (equivalent to Grade 5 NICS). Details of the allowances and expenses that can be claimed or incurred. It should include the total of the allowances and expenses, by reference to categories, paid to or incurred by individual members of senior staff and management board members produced in line with the NDPB's policies, practices and procedures. Categories will be under such headings as travel, subsistence, accommodation.

- **Pay and grading structures**

This may be provided as part of the organisational structure and should also identify, as a minimum, senior staff, and £5,000 salary bands for them. For junior posts, levels of pay should be identified by salary ranges.

- **Procurement procedures**

Details of procedures used for the acquisition of goods and services. Contracts currently available for public tender.

- **Financial statements for projects and events**

Where there are identifiable projects, we would expect the publication scheme to cover at least the financial reports that indicate actual expenditure against original project budgets. The larger the project, the greater the detail that should be available. Similarly, where organised events are publicised, their cost should be made available through the scheme.

<ul style="list-style-type: none"> <li>• <b>Internal financial regulations</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 three years.</p> <p>Below is a list of the type of information that we would expect NDPBs to have readily available for publication. Any other reports or recorded information demonstrating the NDPB's planned or actual performance should normally be included.</p> <ul style="list-style-type: none"> <li>• <b>Strategic plans</b></li> <li>• <b>Annual business plan</b></li> <li>• <b>Annual report</b></li> <li>• <b>Internal and external performance reviews</b></li> <li>• <b>Reports to the Assembly</b></li> <li>• <b>Inspection reports where the NDPB is subject to formal inspection</b></li> <li>• <b>Impact assessments</b></li> <li>• <b>Privacy impact assessments (in full or summary format)</b></li> <li>• <b>Service standards</b></li> <li>• <b>Statistics produced in accordance with the NDPB's requirements</b></li> <li>• <b>Public service agreements</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 three years.</p> <ul style="list-style-type: none"> <li>• <b>Major policy proposals and decisions</b></li> </ul> <p>Information that can be made available to the public without damaging international relations or internal policy development.</p> <ul style="list-style-type: none"> <li>• <b>Background information relating to major policy proposals and decisions</b></li> </ul> <p>This will include facts, and analyses of facts, relevant and important to the framing of major policy proposals and decisions.</p> <ul style="list-style-type: none"> <li>• <b>Public consultations</b></li> </ul>

Details of consultation exercises with access to the consultation papers or information about where the papers can be obtained. The results of consultation exercises.

- **Minutes of senior level meetings**

We would expect management board minutes and the minutes of similar meetings where decisions are made about the provision of services, excluding material that is properly considered to be private, to be readily available to the public.

- **Reports and papers provided for consideration at senior level meetings**

Information presented to those at meetings making executive decisions, excluding those elements properly considered to be private.

- **Internal communications guidance and criteria used for decision making ie process systems and key personnel**

Where access to internal instructions, manuals and guidelines for dealing with the business of the NDPB 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 NDPB to be revealed.

### **Policies and procedures**

Current written protocols, policies and procedures for delivering our services and responsibilities.

We would expect information in this class to be current information only. If there is a particular reason to provide information that is not still current, this should also be included.

- **Policies and procedures for the conduct of NDPB business**
- **Policies and procedures for the provision of services**

Policies and procedures for handling information requests should be included.

- **Policies and procedures for the recruitment and employment of staff**

Codes of practice, memoranda of understanding and similar information should be included. A number of policies, for example equality and diversity, health and safety, will cover both the provision of services and the employment of staff. The Equality Scheme/Statement published in accordance with the Northern Ireland Act 1998 should be included here. If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.

- **Customer service**

Standards for the provision of services to the NDPB's customers, including the complaint procedure. Complaints procedures will include those covering requests for information and operating the publication scheme.

- **Records management and personal data policies**

This will include information on security policies, a records retention and disposal schedule (approved by the Public Records Office Northern Ireland) any archive policies, and data protection (including data sharing) policies.

- **Fileplans (high level, for current records management systems)**

- **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.

If a NDPB charges a fee for licensing the re-use of datasets, it should state in its guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. It cannot charge a re-use fee if it makes the datasets available for re-use under the Open Government Licence.

## **Lists and registers**

We would expect information in this class to be current information only.

- **Public registers and registers held as public records.**

Where a NDPB is required to maintain a register and to make the information in it available for inspection by the public, it is accepted that in most circumstances the existing provisions covering access will suffice. We would expect however that NDPBs do publicise which public registers they hold and how the information in them is to be made public. Where registers contain personal information, NDPBs must ensure that this is protected by the data protection principles.

- **Asset registers and Information Asset Register**

We would not expect NDPBs to publish all details from all asset registers. We would, however, expect the location of public land and building assets and key attribute information that is normally recorded on an asset register to be available along with some other information from capital asset registers. If a NDPB has prepared an information asset register for the Re-use of Public Sector Information Regulations 2005, it should publish the contents.

- **CCTV**

Details of the locations of any overt CCTV surveillance cameras operated by or on behalf of the NDPB. The NDPB should decide on the level of detail which is appropriate. This could be by building or more general geographic locations, such as postcodes or partial postcodes, depending on the security issues raised.

- **Disclosure logs**

Where a NDPB produces a disclosure log indicating the information that has been provided in response to FOI requests it should be readily available. Disclosure logs are themselves recommended as good practice.

- **Register of gifts and hospitality provided to Board members and senior staff**

Details of gifts given or received; hospitality and from which organisation; travel (including overseas, detailed unless properly regarded as non-routine).

- **Any register of interests kept in the department**
- **Other lists required by law**



**The Services we offer**

Information about the services we currently provide including leaflets, guidance and newsletters produced.

Generally this is an extension of part of the first class of information. While the first class provides information on the roles and responsibilities of the NDPB, this class includes details of the services which are provided by the NDPB, internationally, nationally and locally as a result of them. It will be of public benefit to have ready access, for example, to everything from information about the services provided to the government to the information readily available at a public counter. The starting point would normally be a list or lists of the services that fall within the responsibility of the NDPB, linked to details of these services.

- **Regulatory responsibilities**
- **Services for public authorities**
- **Services for industry**
- **Services for other organisations**
- **Services for members of the public**
- **Services for which the NDPB is entitled to recover a fee together with those fees**
- **Leaflets, booklets and newsletters**
- **Advice and guidance**
- **Media releases**