

Freedom of Information Act 2000

Definition document for wholly owned companies

This guidance is for wholly owned companies which are public authorities for the purpose of the Freedom of Information Act 2000 (FOIA). It gives examples of the kinds of information that we would expect these companies to provide in order to meet their commitments under the model publication scheme. We would expect these companies 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 (EIR) exceptions, or its release is prohibited under another statute;
- the information is readily and publicly available from a website to which the company provided it - the company 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- the information is archived, out of date or otherwise inaccessible; or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 a definitive 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 company is the only owner, the company 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**

Companies should be providing outline and detailed information about their roles and responsibilities, and the roles and responsibilities of people working in them at senior level. This should indicate the relationship with the public authority or authorities owning the company.

- **Articles of Association**

- **Board membership**

Identification of and biographical details of Board members. Biographical details that are not work-related should be published only with consent.

- **Senior executives**

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

<ul style="list-style-type: none"> • Organisational structure • Location and contact details <p>If possible, named contacts should be given in addition to contact phone numbers and email addresses.</p>
<p>What we spend and how we spend it Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.</p>
<p>The minimum we would expect is that financial information for the current and previous financial year should be available.</p> <p>Financial information in enough detail to allow the public to see where money is being spent, where the company is or has been planning to spend it, and the difference between the two.</p> <p>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.</p> <ul style="list-style-type: none"> • Annual accounts • Loans sanctioned • Financial statements, budgets and variance reports <p>Details of items of expenditure over £25,000, including costs, supplier and transaction information (monthly).</p> <ul style="list-style-type: none"> • Financial audit reports • Staff and board members' allowances and expenses <p>Details of the allowances and expenses that can be incurred or claimed. It should include the total of the allowances and expenses incurred by or paid to individual senior staff and management board members by reference to categories. These categories should be produced in line with the company's policies, practices and procedures and must at least include travel, subsistence and accommodation. The definition of "senior staff" is given below.</p>

- **Pay and grading structure**

This may be provided as part of the organisational structure and should include senior staff; for the purpose of this document, "senior staff" means staff whose basic annual salary is at least £58,200. For those earning less than £58,200, levels of pay should be identified by salary range.

The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole of the authority's workforce.

- **Capital programme**

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

- **Procurement and tender procedures and reports**

Details of procedures used for the acquisition of goods and services. Contracts available for public tender and reports of successful tenders.

- **List of contracts awarded and their value**

We would normally expect the authority to publish details only of contracts that exceed £25,000.

What our priorities are and how we are doing

Strategies and plans, performance indicators, audits, inspections and reviews.

We would expect information in this class to be available at least for the current and previous three years.

- **Any reports or plans indicating main priorities and progress against them**
- **Annual Report**
- **Customer surveys**
- **Privacy impact assessments (in full or summary format).**

How we make decisions

Decision making processes and records of decisions.

We would expect information in this class to be available at least for the current and previous two years.

- **Board papers – agenda, supporting papers and minutes of meetings**

We would expect board minutes and the minutes of similar meetings where decisions are made about providing services to be readily available. This excludes information that is properly regarded as private to the meeting.

Our 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.

- **Policies and procedures relating to the conduct of the business**
- **Policies and procedures for delivering the company’s services**
- **Policies and procedures for recruiting and employing staff**
- **Equality and diversity policies**
- **Equality Scheme**
- **Equality impact assessments**

Codes of practice, memoranda of understanding and similar information should be included. A number of policies, for example equality and diversity, and health and safety, will cover both the provision of services and the employment of staff. If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available. Policies and procedures for handling requests for information should be included.

- **Customer service**

Standards for providing services to the company’s customers, including complaints procedures. Complaints procedures will include

those covering requests for information and operating the publication scheme.

- **Records management and personal data policies**

This will include information security policies, file plans, 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. They should clearly state what costs are to be recovered, the basis on which they are made, and how they are calculated.

If the company 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

Any information we are currently legally required to hold in publicly available registers.

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

- **Any lists or registers that the company may be required to produce in the conduct of their business**
- **List of main contractors / suppliers**
- **Asset registers**
- **Information asset register**
- **Disclosure logs**

If a department produces a disclosure log indicating the information provided in response to requests, it should be readily available. Disclosure logs are recommended as good practice.

- **Any register of interests kept by the company**
- **Register of gifts and hospitality provided to board members and senior staff**

<ul style="list-style-type: none"> • CCTV <p>Details of the locations of any overt CCTV surveillance cameras operated by or on behalf of the company. The company should decide on the level of detail which is appropriate. This could be by building, area or more general geographic locations e.g. postcodes or partial postcodes, depending on the security issues raised.</p>
<p>The services we offer Information about the services we offer, including leaflets, guidance and newsletters</p>
<p>Generally this is an extension of part of the first class of information. While the first class provides information on the company's roles and responsibilities, this class includes details of the services the company provides, internationally, nationally and locally as a result of them. It will benefit the public to have ready access, for example, to everything from information about the services the company provides for the public and for the public authority or authorities owning it, to the information readily available to individuals, including in person and online. The starting point would normally be a list or lists of the services the company is responsible for, linked to details of these services.</p> <ul style="list-style-type: none"> • Details of company services • Services for which the company is entitled to recover a fee, together with those fees • Leaflets • Corporate communications and media releases