Freedom of Information Act

Definition document for government departments

This guidance gives examples of the kinds of information that we would expect government departments to provide in order to meet their commitments under the model publication scheme. We would expect departments 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 by another statute;
- the information is archived, out of date or otherwise inaccessible; or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 departments should look to provide as much information as possible on a routine basis.

This information should also be provided by any executive agencies within the department. References to "departments" in this guidance include any executive agencies. For example, we would expect an executive agency to publish information about its management board and accounts in the same way as the department itself.

A government department retains legal responsibility for ensuring that information is made available in accordance with the publication scheme, even if practical responsibility for implementing it is delegated to the executive agency.

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**

Departments should be providing outline and detailed information about their roles and responsibilities.

- **Departmental organograms**

Including the names, grades and job titles of all service directors and senior civil servants at SCS2 and above and the numbers, grades and professions of staff within each team. An explanation of the internal structures of the department: referring to their functions; indicating the relationship of different departmental sections with other departments, internal and external; and how the structure relates to the roles and responsibilities.

- **Ministerial meetings with external organisations (including meetings with newspaper and other media proprietors, editors and senior executives)**

- **Permanent Secretary meetings with external organisations (including meetings with newspaper and other media proprietors, editors and senior executives)**

- **Special adviser meetings with external organisations (including meetings with newspaper and other media proprietors, editors and senior executives)**

- **Information about legislation relevant to the department's functions**

An explanation of the key legislative basis of the department's activities. An explanation of any legislation for which the department is the lead government department.

- **Lists of and information about organisations the department is responsible for, those it works in partnership with and those it sponsors**

As most of these bodies will be responsible for their own affairs, we expect this information needs only to be enough to identify the relationship between these bodies and the department.

- **Department Ministers, Permanent Secretaries, Chief Executives, management board members and senior executives**

Identification of, responsibilities of and biographical details of Ministers, senior civil servants at SCS2 and above in the department and those making strategic and operational decisions about providing the department's services. Biographical details that are not work related should be published only with consent.

- **Locations of, and contact details for, the authority**

This should cover the department at all levels, from the central body to offices open to the public for conducting the department's business. Where possible, give named contacts.

What we spend and how we spend it
Financial information about projected and actual income and expenditure, procurement, contracts and financial audit.

The minimum we would expect is that financial information for the current and previous two financial years should be made available.

If money is allocated to specific cost centres in a department and this information helps to explain how public money is spent, departments should consider publishing it.

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

Details of department spending over £25,000 (monthly). Further guidance is available on the HM Treasury website[1].
Details of government contracts and tenders worth over £10,000
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 department 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 civil servants at SCS2 and above and board members' allowances and expenses**

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 management board members by reference to categories. These categories should be produced in line with the department's policies, practices and procedures and will be under headings like travel, subsistence and accommodation.

- **Ministerial expenditure**

The total of the allowances and expenses paid to and incurred by department Ministers by reference to categories. These categories should be produced in line with government guidelines and will be under headings like travel, subsistence and accommodation.

- **Pay and grading structures**

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[1] http://www.hm-treasury.gov.uk/psr_transparency_index.htm

This may be provided as part of the organisational structure and should also identify, as a minimum, those at senior civil service level SCS2, and £5,000 salary bands for them. For junior posts, levels of pay should be identified by salary ranges for those posts.

- **Special advisers**

The names of special advisers, the appointing Minister, and the salaries of those earning £58,200 and above. For those earning less than £58,200 levels of pay should be identified by salary range.

- **Procurement procedures**

Details of procedures for acquiring goods and services. Contracts available for public tender.

- **Financial statements for projects and events**

If 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 departments should make available. Similarly, where organised events are publicised, their cost should be made available through the scheme.

- **Internal financial regulations**

What are our priorities and how are we doing
Strategies and plans, performance indicators, audits, inspections and reviews.

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

Below is a list of the type of information we would expect departments to have readily available for publication. Any other reports or recorded information showing the department's planned or actual performance should normally also be included.

- **Departmental open data strategies**
- **Strategic plans**
- **Annual business plan**
- **Annual report**
- **Internal and external organisation performance reviews**
- **Performance reports to Parliament**
- **Inspection reports**

- **Impact assessments**
- **Privacy impact assessments (in full or summary format)**
- **Service standards**
- **Statistics produced in accordance with departmental requirements**
- **Public service agreements**

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 three years.

- **Major policy proposals and decisions**

Information that can be made available to the public without damaging relations with other governments or the development of government policy.

- **Background information for major policy proposals and decisions**

This will include facts, and analyses of facts, relevant and important to framing major policy proposals and decisions.

- **Public consultations**

Details of consultation exercises with access to the consultation papers or information about where the papers can be obtained. The results and outcomes 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 providing services to be readily available. This excludes information that is properly regarded as private to the meeting.

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

Information presented to those at meetings making executive decisions. This excludes information that is properly regarded as private to the meeting.

- **Internal communications guidance, criteria used for**

decision-making, internal instructions, manuals and guidelines

If access to internal instructions, manuals and guidelines for dealing with the business of the department would help the public understand how decisions are made, these should be readily available. We would not expect information to be revealed in cases where disclosure might damage the department's operations.

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 only.

- **Policies and procedures for conducting departmental business**
- **Policies and procedures for delivering our services**
- **Policies and procedures for recruiting and employing staff**

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.

- **Customer service**

Standards for providing services to the department's customers, including the 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, records retention, destruction and 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. They should clearly state what costs are to be recovered, the basis on which they are made, and how they are calculated.

If the public authority 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

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

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, departments must ensure that they consider the data protection principles.

- **Asset registers and information asset register**

We would not expect departments 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 department 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 department. The department 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, for example, where border controls are involved.

- **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.

- **Register of gifts**

Ministers – details of gifts over £140 given or received; hospitality and from which organisation; travel (including overseas, detailed unless properly regarded as non-routine).

If relevant, senior civil servants at SCS2 and above and special advisers - details of gifts given or received; hospitality and from which organisation; travel (including overseas, detailed unless properly regarded as non-routine).

- **A list of Ministers' interests**
- **Other lists required by law**

The services we offer
Information about the services the department provides 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 departmental roles and responsibilities, this class includes details of the services the department 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 department provides for the government, to the information readily available to individuals at a public counter. The starting point would normally be a list or lists of the services the department is responsible for, 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 department is entitled to recover a fee, together with those fees**
- **Government department circulars**
- **Leaflets, booklets and newsletters**
- **Advice and guidance**
- **Media releases**