Information Commissioner's Office

Freedom of Information Act 2000

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

This guidance is written for the use of non-departmental public bodies (NDPBs). It gives examples of the kinds of information that the ICO expects you to provide in order to meet your commitments under the model publication scheme. This guidance may also be relevant to authorities which do not have a sector-specific definition document.

The ICO expects you to make the information in this definition document available unless:

- you do not hold the information;
- the information is exempt under one of Freedom of Information Act 2000 (FOIA) exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another statute (eg UK General Data Protection Regulation);
- the information is readily and publicly available from an external website. Such information may have been provided either by you or on your behalf. You 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- the information is archived, out of date or otherwise inaccessible; or,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.

If the information is held by another public authority, you should provide details of where to obtain it.

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 you should look to provide as much information as possible on a routine basis, which must include all information that is required by statute.

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Publishing datasets for re-use

As a public authority, you must publish under your publication scheme any dataset you hold that has been requested, together with any updated versions, unless you are satisfied that it is not appropriate to do so. So far as reasonably practicable, you 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 you are the only owner, you 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 2018 Section 45 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 Datasets (sections 11, 19 and 45). This explains what is meant by "not appropriate" and "capable of re-use".

Model publication scheme

The table below identifies the specific information the ICO expects you to publish under each of the seven classes of information set out in the model publication scheme.

Class 1 - Who we are and what we do Organisational information, structures, locations and contacts
Information in this class will be current information only. • **Roles and responsibilities** Provide both outline and detailed information about your roles and responsibilities and the roles and responsibilities of your senior leaders. • **Organisational chart** Provide an explanation of your internal structures, referring to your functions and how your structure relates to the roles and responsibilities.

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

Explain the legislative basis of your activities. If appropriate, explain any legislation for which you take the lead.

- **Lists of and information relating to other organisations with which you work in partnership**

This information only needs to be enough to identify the relationship between these bodies and you. This will include the identity of your 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**

Identify and include responsibilities of, and biographical details of, individuals making strategic and operational decisions about the provision of your services.

- **Gender pay gap data**

Read the Government's guidance on the gender pay gap reporting to find out what information you need to publish. Publish this data annually if you have a head count of 250 staff or more.

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

Provide your postal and email address. If possible, provide named contacts including contact phone numbers and email addresses.

Class 2 - What we spend and how we spend it

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

As a minimum, make financial information for the current and previous two financial years available.

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

Provide details about:

- your spending over £25,000 (monthly);
- your contracts and tenders worth over £10,000; and
- government procurement card spend over £500.

Explain financial information in enough detail to allow the public to see where you are spending money, where you are or are planning to spend it, and the difference between the two. Publish financial information at least annually and, where practical, publish half yearly or quarterly financial reports. Include revenue budgets and budgets for capital expenditure.

- **Capital programme**

Include information on major plans for capital expenditure and any private finance initiative and public private partnership contracts.

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

Provide details of the allowances and expenses that can be incurred or claimed. Include the total of the allowances and expenses, by reference to categories. Produce these categories in line with your policies, practices and procedures, under headings like travel, subsistence, accommodation.

- **Pay and grading structures**

You can provide this as part of the organisational chart. As a minimum, include the details of senior staff salaries in bands of £5,000. For all other posts, identify levels of pay by salary range.

- **Procurement and tendering procedures**

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

- **Financial statements for projects and events**

If there are identifiable projects, publish the financial reports that indicate actual expenditure against original project budgets. The

larger the project, the greater the detail that should be available. Publish the cost of organised events where the events have been made public.

- **Internal financial regulations**

- **Prompt payment performance**

If applicable to you, publish data annually on your prompt payment performance in line with the government's Prompt Payment Policy.

- **TU facility reporting**

Read the government guidance on reporting trade union facility time to find out what information you need to publish. Publish this information once a year.

Class 3 - What our priorities are and how we are doing

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

Publish all relevant information listed in this class for the current and previous three years at least.

Below is a list of the type of information you should have readily available for publication. In general, include any other reports or recorded information showing your planned or actual performance.

- **Strategic plans**
- **Annual business plan**
- **Annual report**
- **Internal and external performance reviews**
- **Reports to Parliament**
- **Inspection reports where your organisation is subject to formal inspection**
- **Data Protection impact assessments (in full or summary format) or any other impact assessment (eg Health & Safety Impact Assessment, Equality Impact Assessments etc), as appropriate and relevant**
- **Service standards**
- **Statistics produced in accordance with your**

organisation's requirements
- **Public service agreements**

Class 4 - How we make decisions

Decision making processes and records of decisions

Make information in this class available for the current and previous three years at least.

- **Major policy proposals and decisions**

Include information that you can make available to the public without damaging international relations or internal policy development.

- **Background information relating to major policy proposals and decisions**

Include facts, and analyses of facts, relevant and important to the framing of major policy proposals and decisions.

- **Public consultations**

Provide details of consultation exercises and access to the consultation papers or information about where the public can obtain the papers. Include the results of consultation exercises.

- **Minutes of senior level meetings**

Management board minutes and the minutes of similar meetings where decisions are made about the provision of services. Exclude material that is properly considered to be exempt from disclosure.

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

Information presented to those at meetings making executive decisions. Exclude material that is properly considered exempt from disclosure.

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

If access to internal instructions, manuals and guidelines for dealing

with the business of your NDPB would help the public understand how decisions are made, these should be readily available. However, you do not need to reveal information that might damage your operations.

Class 5 - Policies and procedures

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

Information in this class only needs to be current.

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

Include policies and procedures for handling information requests.

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

Include codes of practice, memoranda of understanding and similar documents. If you advertise vacancies as part of recruitment policies, make details of current vacancies available. A number of policies will cover both the provision of services and the employment of staff, for example equality and diversity, health and safety.

- **Customer service**

Standards for providing services to your customers, including the complaints procedure. Complaints procedures will include those covering requests for information and operating the publication scheme.

- **Records management and personal data policies**

Include information on security policies, records retention, destruction and archive policies, and data protection (including data sharing and CCTV usage) policies.

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

- **Charging regimes and policies**

Provide details of any statutory charging regimes. Charging policies should include charges made for information you routinely publish. They should clearly state what costs you are recovering, the basis on which you make them, and how you calculate them.

If you charge a fee for licensing the re-use of datasets, state in your guide to information how you calculate this and whether you make the charge under the Re-use Fees Regulations or under other legislation. You cannot charge a re-use fee if you make the datasets available for re-use under the Open Government Licence.

Class 6 - Lists and registers

Information in this class will should only be information in currently maintained lists and registers.

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

Where you are obliged to maintain a register and to make the information in it available for inspection by the public, the existing access provisions will usually be adequate. However, you should publicise which public registers you hold and how you make the information in them available to the public. Where registers contain personal information, ensure that you consider the data protection principles.

- **Asset registers and Information Asset Register**

You do not need to publish all details from all asset registers. However, include the location of public land and building assets and key attribute information that you normally record on an asset register along with some other information from capital asset registers. If you have prepared an information asset register for the Re-use of Public Sector Information Regulations 2015, publish the contents.

- **CCTV**

Details of the locations of any overt CCTV surveillance cameras operated by you or on your behalf. 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**

If you produce a disclosure log indicating the information provided in response to FOIA and EIR requests, make it readily available. Disclosure logs are 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; and travel (including overseas, detailed unless properly regarded as non-routine).

- **Any register of interests you keep**
- **Other lists required by law**

Class 7 - The services we offer

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

Information in this class should only be current information.

Generally, this is an extension of part of the first class of information. While the first class provides information on your roles and responsibilities, this class includes details of the services you provide as a result of them. It will benefit the public to have ready access, for example, to everything from information about the services you provide, to the information readily available to individuals at a public counter. The starting point would normally be a list or lists of the services you are 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 your organisation is entitled to recover a fee together with those fees**
- **Leaflets, booklets and newsletters**
- **Advice and guidance**
- **Media releases**