

Freedom of Information Act 2000

Guide to Information provided by pharmacy businesses under the model publication scheme

**Introduction**

This template guide is written for the use of those providing pharmaceutical services under contract to the NHS in England, Wales and HSC Northern Ireland.

It gives examples of the kinds of information that the Information Commissioner’s Office (ICO) expects you to publish to meet your commitment under the publication scheme, introduced through the Freedom of Information Act 2000 (FOIA). In 2008, the ICO introduced a generic model publication scheme, for adoption by all public authorities that are subject to FOIA.

Those providing pharmaceutical services under contract to the NHS/HSC or other public sector organisations in England, Wales and Northern Ireland are public authorities only in respect of information relating to those services.

The model publication scheme commits you to ‘produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public’. This is a very general scheme based on the principle that all public authorities need to recognise the public interest in the transparency of the services provided for and paid for by the general public.

The [Model publication scheme](https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf) is available on the ICO website. Further details are available in ICO guidance: [Using the definition documents.](https://ico.org.uk/media/for-organisations/documents/1157/usingthedefinitiondocuments.pdf)

You must adopt the model scheme in full, unedited and promoted alongside the guide to information. You do not need to inform the ICO that you have adopted the scheme. We will assume you have done so unless we hear otherwise.

You are in breach of FOIA if you have not adopted the model scheme or are not publishing in accordance with it.

This template will help you to draw up your guide to information. It indicates what information you will provide, how you will provide it and whether you can charge for its provision. Where possible, you should consider expanding elements of it to provide greater explanation and additional information. For example, specific plans for the provision of NHS/HSC services.

The template guide is not meant to give an exhaustive or definitive 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.

**Information included in the guide to information**

The template lists the information that the ICO thinks you are likely to hold and should make proactively available within each class. When completed, this will provide a list of all the information you will routinely make available, explain how it can be accessed and whether or not a charge will be made for it. You must:

* complete the relevant columns in the template guide;
* state how an applicant can obtain the specific information and if there is a cost involved; and
* ensure the public can access the completed guide and the information listed in it.

The ICO expects you to make the information in the guide available unless:

* you do not hold the information;
* the information is exempt under one of the FOIA exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another statute (eg UK GDPR);
* the information is readily and publicly available from an external website; such information may be 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 only held by another public authority, you should provide details of where to obtain it.

**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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf) recommends that public authorities make datasets available for re-use under the [Open Government Licence.](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/)

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 (section 11, 19 & 45)](https://ico.org.uk/media/for-organisations/documents/1151/datasets-foi-guidance.pdf). This explains what is meant by “not appropriate” and “capable of re-use”.

**Fees and charging**

Information available through your publication scheme should be readily available at a low cost or at no cost to the public. If you do charge for this information, the ICO expects the charges to be justifiable, clear and kept to a minimum.

You can charge for activities such as printing, photocopying and postage as well as information that you are legally authorised to charge for. You must inform anyone requesting information of any charge before you provide the information. You may ask for payment before providing the information. Guidance on the ICO website provides more details about [charging for information in a publication scheme.](https://ico.org.uk/for-organisations/guide-to-freedom-of-information/charging-for-information-in-a-publication-scheme/)

If you charge a fee for licensing the re-use of datasets, you should state in the guide to information how this is calculated and whether the charge is made 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.](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/)

**Model publication scheme**

The table below identifies the specific information the ICO expects NHS/HSC (NI) pharmaceutical services to publish under each of the seven classes of information set out in the [model publication scheme](https://ico.org.uk/for-organisations/guide-to-freedom-of-information/publication-scheme/).

Information available from (*insert name of person or firm providing pharmaceutical services under contract to the NHS/HSC (NI) and/or to other public sector organisations*) under the Freedom of Information Act model publication scheme

This template guide covers only all information we currently hold about the pharmaceutical services we provide under contract to the National Health Service/Health and Social Care NI and/or to other public sector organisations. If we do not hold some of the information listed below, we will mark it as ‘not held’ in the table.

|  |  |  |
| --- | --- | --- |
| **Information to be published** | **How the information can be obtained**  (eg hard copy and/or website) | **Cost** |
| **Class 1 - Who we are and what we do**  Current organisational information, structures, locations and contacts |  |  |
| Company or pharmacy background |  |  |
| Contact details for the practice, postal and email address (if used). Where possible, named contacts with telephone number and email address |  |  |
| Details of those providing NHS/HSC-funded services and services funded by other public authorities in the firm or pharmacy |  |  |
| Opening hours |  |  |
| Meetings with pharmaceutical companies and other medical suppliers  As a minimum, name of the company, the date and, if appropriate, the name of the member(s) of staff attending (any senior managers and any medically qualified staff), together with a general indication of the category of meeting, for example marketing or promotion |  |  |
| **Class 2 – What we spend and how we spend it**  Financial information about projected and actual income and expenditure, procurement, contracts and financial audit  Current and previous financial year as a minimum |  |  |
| Total cost to the NHS/HSC and other public sector organisation(s) to which the contracted services are provided |  |  |
| **Class 3 – What our priorities are and how we are doing**  Strategies and plans, performance indicators, audits, inspections and reviews, as a minimum for the current and previous year |  |  |
| Plans for the development and provision of NHS/HSC and other public sector services |  |  |
| Inspection reports by regulators  These are:  The Care Quality Commission (England);  Healthcare Inspectorate Wales (Wales);  The Regulation and Quality Improvement Authority (Northern Ireland) |  |  |
| Audit of NHS/HSC and other public sector income |  |  |
| 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 |  |  |
| **Class 4 – How we make decisions**  Decision making processes and records of decisions, as a minimum for the current and previous year |  |  |
| Records of decisions made in the business affecting the provision of NHS/HSC and other public sector services |  |  |
| **Class 5 – Our policies and procedures**  Current written protocols, policies and procedures for delivering our services and responsibilities |  |  |
| Policies and procedures for conducting business and delivering services |  |  |
| Customer service and Complaints policies and procedures (including those covering handling of requests for information and operating the publication scheme) |  |  |
| Internal instructions to staff and policies relating to the delivery of NHS/HSC or other public sector services |  |  |
| Policies and procedures about recruitment and employment of staff |  |  |
| Equality and diversity policy |  |  |
| Health and safety policy |  |  |
| Records management policies (records retention, destruction and archive) |  |  |
| Confidentiality and data protection policies (including data sharing and CCTV usage) |  |  |
| **Class 6 – Lists and Registers**  Currently maintained lists and registers only |  |  |
| Details of the location of any overt CCTV surveillance cameras operated by us or on our behalf |  |  |
| Any publicly available register or list *(if any are held this should be publicised; in most circumstances existing access provisions will suffice)* |  |  |
| **Class 7 – The services we offer**  Current information about the services we offer, including leaflets, guidance and newsletters produced for the public |  |  |
| The services provided under contract to the NHS/HSC and to other public authorities |  |  |
| Charges for any of these services |  |  |

**Schedule of charges**

This describes how the charges have been arrived at and should be published as part of the guide.

|  |  |  |
| --- | --- | --- |
| **TYPE OF CHARGE** | **DESCRIPTION** | **BASIS OF CHARGE** |
| **Disbursement cost** | Photocopying @ ..p per sheet (black & white) | Actual cost \* |
|  | Photocopying @ ..p per sheet (colour) | Actual cost |
|  |  |  |
|  | Postage | Actual cost of Royal Mail standard 2nd class |
|  |  |  |
| **Statutory Fee** |  | In accordance with the relevant legislation (quote the actual statute) |
|  |  |  |
| **Other** |  |  |

\* the actual cost incurred