

Freedom of Information Act 2000

Definition document for health bodies in England (this will include all NHS trusts, clinical commissioning groups and special health authorities)

This guidance is written for the use of health bodies in England. It gives examples of the kinds of information the ICO expects you to provide in order to meet your commitments under the model publication scheme.

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 the Freedom of Information Act (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 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- the information is archived, out of date or otherwise inaccessible;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.

This guidance 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.

It is recognised that this document covers a wide range of organisations which carry out different functions. However, the information you hold will fall under the same headings.

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](#).

<p>Class 1 - Who we are and what we do</p> <p>Organisational information, structures, locations and contacts.</p>
<p>Information in this class should be current information only, unless stated otherwise.</p> <ul style="list-style-type: none">• How we fit into the NHS structure <p>Given the nature of the NHS, provide information that explains how you fit into either the local or national NHS structure, or both. Provide outline and detailed information about your roles and responsibilities.</p> <ul style="list-style-type: none">• Organisational structure <p>Corporate governance information including details of board or governing body members and other key personnel. Include an explanation of your internal structure and how the structure relates to roles and responsibilities. For clinical commissioning groups (CCGs), also include details of the general</p>

practices who are members of the CCG. Include details of any charities.

- **Gender pay gap reporting**

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.

- **Workforce diversity**

Publish details of the composition of your workforce. Publish this data at least annually.

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

This information needs to be for the purposes of identifying the relationship between you and these bodies.

- **Meetings with pharmaceutical companies and other medical suppliers**

As a minimum, include the name of the company, the date and, if appropriate, the name of the member(s) of staff attending, together with a general indication of the category of meeting, for example marketing or promotion. The names of staff attending should include any senior managers and any medically qualified staff.

- **Senior executives and management board or governing body members**

Identify and include the responsibilities and biographical details of those making strategic and operational decisions about the provision of your services. Only publish biographical details that are not work related in line with UK GDPR.

- **Location and contact details for all public-facing departments**

Provide postal and email address of all public-facing departments. 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 available financial information for the current and previous financial year. Provide this information not only for your organisation as a whole but also, where appropriate, for directorates or departments as cost units.

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

In conjunction with annual accounts, provide financial information in sufficient detail to allow the public to see where you are spending money or planning to spend it and the difference between the two.

Publish financial information at least annually and, where practical, provide half yearly or quarterly financial reports. Include revenue budgets and budgets for capital expenditure.

Provide details of items of expenditure over £25,000, including costs, supplier and transaction information (monthly).

- **Financial audit reports**

- **Capital programme**

Make information available on major plans for capital expenditure, including any public-private partnership contracts.

- **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 paid to individual senior staff and management board or governing body members by reference to categories.

Produce these categories in line with your policies, practices and procedures and include at least travel, subsistence and accommodation.

- **Staff pay and grading structures**

You can provide this as part of your organisational structure. 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.

The 'pay multiple' – the ratio between the highest paid salary and the

median average salary of the whole of your workforce.

- **Funding (including endowment funds and charitable donations)**
- **TU facility time**

Read the government guidance on reporting [trade union facility time](#) to find out what information you need to publish. You need to publish this information once a year.

- **Procurement and tendering procedures**

Provide details of procedures used for the acquisition of goods and services.

- **Details of contracts currently being tendered**
- **List and value of contracts awarded**

Publish details of contracts, invitations to tender and procurement frameworks that exceed £30,000, for example value of contract, summary of contract and identity of parties.

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

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

- **Annual report**
- **Annual business or commissioning plan**
- **Targets, aims and objectives**
- **Strategic direction document (five-year plan)**
- **Performance against targets (KPI), performance framework, performance management information, quality improvement plans**
- **Reports by regulatory organisations, eg Care Quality Commission and NHS England**
- **Audit reports delivered at board or governing body level**
- **Clinical strategy, if applicable**

Include reports on clinical and corporate governance.

- **Service user surveys**
- **Data protection impact assessments (in full or summary**

format) or any other impact assessment (eg health and safety impact assessments, equality impact assessments), as appropriate and relevant

Class 4 – How we make decisions

Decision making processes and records of decisions.

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

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

Make readily available to the public management board/governing body minutes and the minutes of similar meetings, such as board committees, where you made decisions about the provision of services as well as documents and papers discussed at these meetings. Exclude material that is properly considered to be exempt from disclosure.

- **Patient and public engagement strategy**
- **Public consultations (for example, concerning closures or variations of services)**

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

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

Make readily available internal instructions, manuals and guidelines for dealing with your business, where access to this information would assist public understanding of the way you made decisions. This does not include disclosing information that might damage your operation.

Class 5 – Our policies and procedures

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

Include procedures for handling requests for information.

- **Policies and procedures relating to conducting business and the provision of services**

- **Policies and procedures relating to human resources including recruitment and employment policies**

Include codes of practice, memoranda of understanding and similar information. 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. Make readily available details of current vacancies, if vacancies are advertised as part of recruitment policies.

Where procedures are developed in combination with other public authorities, make these available.

- **Equality and diversity policies**

Include procedures and guidelines relating to equality and diversity.

- **Health and safety**

- **(If applicable) Clinical research transparency standards and research ethics committees' standard operating procedures**

- **Pay policy statement**

- **Standing financial procedures or instructions**

- **Standing orders**

- **Customer service and complaints policies and procedures**

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

- **Data protection and duty of confidentiality, records management, Caldicott Guardian**

Include information security policies, high level file plans (or any other business classification scheme used for the management of information), records retention, destruction and archive policies, data protection (including data sharing and CCTV usage), patient confidentiality policies and details of the national opt-out programme.

- **Estate management**

- **Charging regimes and policies**

Provide details of any statutory charging regimes. As part of your charging policies, include charges made for information routinely published and state clearly 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 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.

Class 6 – Lists and registers

Include information contained only in currently maintained lists and registers.

- **Any information you are currently legally required to hold in publicly available registers**
- **List of main contractors or suppliers**
- **Asset registers**

You do not have to publish all details from all asset registers. However, make available the location of public land and building assets and key attribute information that is normally recorded on an asset register, along with some other information from capital asset registers.

- **Information asset register**

If you have prepared an information asset register for the Re-use of Public Sector Information Regulations 2015, publish the contents.

- **CCTV**

Provide details of the locations of any overt CCTV surveillance cameras operated by or on your behalf. You 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.

- **Any register of interests kept in the authority**

- **Register of gifts and hospitality provided to board members and senior personnel**
- **Disclosure log**

Where you have produced a disclosure log, indicating the information that has been provided in response to FOIA and EIR requests, make this readily available as a matter of good practice.

Class 7 – The services we offer

Information about the services we offer, including leaflets, guidance and newsletters.

In general, this will be an extension of the first class of information, 'Who we are and what we do', as it will detail the services that you provide. The starting point would normally be a list or lists of the services that fall within your responsibility, linked to details of those services.

- **Clinical services provided or commissioned**
- **Non-clinical services**
- **Services for which you are entitled to recover a fee together with those fees**
- **Patient support groups, including bereavement support**
- **Patient information leaflets and other booklets and newsletters**
- **Patient advice and liaison service (PALS)**
- **Advice and guidance**
- **Corporate communications and media releases**