

Model publication scheme: Using the definition documents

Freedom of Information Act

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Introduction

1. The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities.
2. An overview of the main provisions of FOIA can be found in [The Guide to Freedom of Information](#).
3. This is part of a series of guidance, which goes into more detail than the Guide, to help public authorities to fully understand their obligations and promote good practice.
4. This guidance explains to public authorities how to fulfil their obligations to make certain information routinely available. It explains how to make use of the definition documents and produce a guide to published information.
5. It should be noted that this guidance does not apply to those public authorities for whom the Information Commissioner's Office (ICO) has prepared [template guides to information](#).

Overview

A public authority should:

- adopt the ICO model publication scheme;
- use the definition documents and any previous publication scheme they may have had to identify the information they hold which should be published;
- produce a guide to information, or ensure that their existing website meets this need; and
- ensure that members of the public can easily obtain the information.

The model publication scheme

6. Section 19 of the FOIA requires every public authority to adopt and maintain a publication scheme which has been approved by the Information Commissioner, and to publish information in accordance with the scheme.

7. The scheme should specify:
 - classes of information which the public authority publishes or intends to publish;
 - the manner in which information is to be published, for example, online or in hard copy; and
 - whether there is any charge for the information.
8. There is currently one approved model scheme which must be adopted by all authorities. **Approval for all previous schemes expired on 1 January 2009.** The model scheme can be adopted by placing a link to it on your website or otherwise making it available; there is no need to notify the Information Commissioner.
9. This scheme represents a commitment to publishing information within certain broad classes. It does not specify particular pieces of information or charges.
10. The model scheme should not be altered. To show the actual information it makes available, a public authority should produce a **Guide to information** which specifies the particular information it publishes, how it will be published and what charge, if any, is to be made.

The definition documents

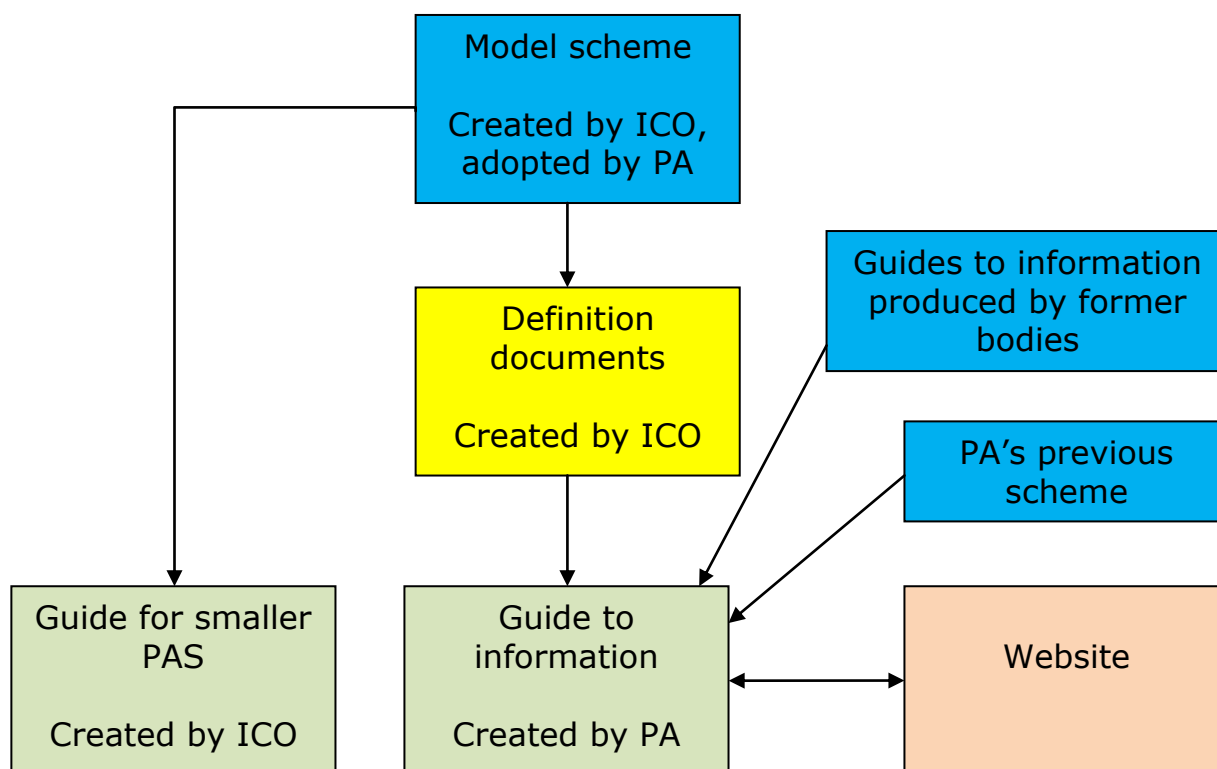
11. The ICO has produced guidance to show the types of information we would expect particular types of authority to publish. These pieces of guidance are referred to as definition documents. You should publish everything which is listed in the definition document for your authority unless:
 - you do not hold the information;
 - the information is exempt under one of the FOI exemptions or EIR exceptions, or its release is prohibited under 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.

12. The definition documents provide guidance to public authorities as to how to meet their publication scheme obligations. However the First Tier Tribunal of the General Regulatory Chamber (Information Rights) has indicated that it may give weight to a definition document when reaching a decision about a request for information. In its decision in [King's College London v Information Commissioner \(EA/2014/0054, 2 October 2014\)](#) the FTT commented: "we accept of course that that document represents guidance and not the law, but it clearly puts down a marker as to what may have to be disclosed under FOIA".
13. No definition documents have been produced for parish councils, nurseries, primary schools or individual NHS practitioners. Instead, the ICO has produced template guides to information for each of these sectors, which can be completed and used without further modification.
14. Other authorities which are not covered by any sectoral definition documents should base their guide to information on the definition document prepared for NDPBs and other public bodies. They may wish to consult other definition documents if they appear relevant. Authorities who have responsibility for a museum or archive should also consult the definition document for museums and archives.

Using the definition document

- Identify how much of the information in the definition document you already make routinely available. Your website and any previous publication scheme or guide to information you have should help with this.
- New authorities that have been created by the merging of existing bodies will find it helpful to look at the websites and guides to information produced by these bodies. Authorities who are still operating publication schemes from before 31 December 2008 should note that these expired on 1 January 2009.
- Identify any other information you hold which is listed in the definition document but is not currently made available.
- Consider whether any of this information should be legitimately withheld. Record the reasons for your decision.

- Decide how to release the remainder of the information. Consider whether there may be a section of your website which would be a natural home for this information.



PA = public authority. ICO = Information Commissioner's Office

Producing a guide to information

- A guide to information should specify the documents available, the format and (where appropriate) any charge made.
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Example		
<i>Information</i>	<i>Format</i>	<i>Charge</i>
Minutes of public meetings	Online Hard copy on request	Free 2p per sheet
Annual report	Online Printed copy	Free £5

Register of members' interests	Available to inspect	Free

17. Many smaller authorities will find it easiest to produce a list structured according to the seven classes in the model publication scheme. However, there is no specific requirement for the format of the guide. The only requirement is that all the information you are required to publish is made available, and that it is easy for members of the public to find out what you have and where to get it.
18. Some authorities may find that all the information can be fitted into existing sections of their website. For example, if you already have an "About us" section, this will be the most sensible place for information in the "Who we are and what we do" category. In many cases, the website map will be the guide to information.
19. Using your website as a guide to information:
 - You should consider how people without internet access will be able to use the guide to information.
 - Any documents which are only available in hard copy or by making an appointment to inspect them should be shown under the relevant section of the website, along with a contact. Contacts given in the guide should generally be for somebody who has access to the information in their normal work, rather than an FOI officer or Information Manager.
 - It is important that all staff in relevant departments are aware of what information is to be routinely made available. It may therefore be useful to maintain an internal list as well as the public guide.
20. Review the guide to information regularly, to identify any new information which should be released and to ensure the material is updated.

What else should be included in the guide?

21. You may wish to include information in the guide which is not specified in the definition documents:

- Other information which you have chosen to make routinely available.
- Environmental information which you make available in accordance with your obligations under the Environmental Information Regulations 2004 (the EIR).
- Information which you are required to publish or make available for inspection under another enactment.
- Information which you are permitted to publish or make available under another enactment, and for which you make a charge.
- Where appropriate, redacted or summarised versions of documents which would otherwise be exempt.

22. You should not include:

- information which you only make available to certain people (e.g. fire damage reports); or
- information which would be considered for release only if a request was received and which might be withheld or redacted under an exemption. Where documents may include exempt material, these should not be listed in the guide but should be considered for disclosure if a request is received.

Example

- ☒ "Minutes of all meetings except where exempt."
- ☒ "Minutes of all public meetings and summaries of other meetings."

23. More information on publishing environmental information can be found in our guidance on [Proactive dissemination](#). Our guidance on [Minutes and agendas](#) gives more advice on the distinction between routine disclosure and disclosure in response to a request.

Publishing datasets under a publication scheme

24. There are specific provisions in FOIA to do with publishing datasets under a publication scheme.
25. If a public authority has received a FOIA request for a dataset, then, as well as responding to the request, it must also continue to make the dataset (and any updated versions it holds) available for re-use under its publication scheme, unless it is not appropriate to do so. It must publish the dataset in a re-usable form. If the dataset is a relevant copyright work, and the public authority is the only owner of the intellectual property, it must make the dataset available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015 (RPSI), if they apply, and otherwise under the terms of the Freedom of Information Act section 19.
26. The public authority may charge a fee for licensing re-use under the terms of RPSI, where they apply, or under the Freedom of Information (Release of Datasets for Re-use) (Fees) Regulations 2013, or under other statutory powers it may have. However, the [datasets Code of Practice](#) recommends that public authorities use the Open Government Licence for datasets which can be re-used without charge.
27. The ICO has published [guidance on datasets](#) which explains what is meant by the terms 'dataset', 'not appropriate' 're-usable form' and 'relevant copyright work' and has also published a [Guide to RPSI](#).

Operating the publication scheme

28. Information may be made available for download from the website, electronically, in hard copy, or by making it available for inspection. The means by which it is made available must be specified in the guide to information, along with the amount of any charge.
29. Where information is only available electronically, a printed copy should be available on request for those without internet and email. You should also take account of your obligations under equality legislation and, where relevant, legislation requiring information to be made available in languages other than English.

30. Information in the guide should be made available routinely. You should not use an exemption to withhold information in the guide, as a document should only be included if you have already decided that it can be disclosed. Requests for information in the guide cannot be refused on the grounds that they exceed the cost limit.
31. The guide to information should be a guide to what is available, rather than a mechanism through which information must be accessed. Staff should know to give out this information promptly when it is requested, or direct requesters to the website.
32. Requests for information which is not in the guide to information should be dealt with in the normal way. Guidance on dealing with FOI and EIR requests is available on our website.

Charging

33. Where possible, information should be made available online and free of charge. Any legitimate charges should be stated “up-front”, and should be the same for all requesters. It is good practice to explain how a charge is arrived at, for example, the amount charged per page for photocopying.
34. A full explanation is available in our guidance on [Charging for information in a publication scheme](#).

Other considerations

35. Additional guidance is also available if you need further information on the model publication scheme:
 - [Guide to FOI](#)

More information

36. This guidance has been developed drawing on ICO experience. Because of this it may provide more detail on issues that are often referred to the Information Commissioner than on those we rarely see. The guidance will be reviewed and considered from time to time in line with new decisions of the Information Commissioner, Tribunals and courts.

37. It is a guide to our general recommended approach, although individual cases will always be decided on the basis of their particular circumstances.
38. If you need any more information about this or any other aspect of freedom of information, please [contact us](#): see our website ico.org.uk.