



# YORKSHIRE LOCAL COUNCILS ASSOCIATIONS

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| ADVICE NOTE: | Number 16                        |
| SUBJECT:     | The Mandatory Publication Scheme |

## FREEDOM OF INFORMATION ACT 2000 – THE MANDATORY PUBLICATION SCHEME

All local councils and parish meetings must adopt a Publication Scheme which gives details of information held by the council or parish meeting which is unreservedly available to the public. The Scheme also defines the medium in which the information will be provided, ie inspection, paper copy or electronic copy and also any costs attached to the provision. The Publication Scheme will comprise two elements, one of which is the Scheme explaining what the provision is about plus a **guide to proactively published information for the public** – a means by which the information made routinely available by an authority can be easily identified and accessed.

### THE PUBLICATION SCHEME

In line with section 20 of the Freedom of Information Act 2000 the Information Commissioner approved a model publication scheme which can be adopted by local councils as well as parish meetings.

The model publication scheme may be adopted without modification and such adoption requires no further approval. In short, local councils and parish meetings can simply adopt the scheme (by way of formal resolution) without needing to submit anything to the Information Commissioner. Once adopted the scheme will be valid until further notice. Any modification which removes information from the model scheme will require the approval of the Information Commissioner.

A copy of the model publication scheme for a council and a meeting and supporting documents is available from YLCA and is also on the YLCA website. The model schemes and further information can also be available on [the Information Commissioners \(ICO\) website](#).

The type of information covered in the scheme is included in the 'classes of information' set out below. Although a council or parish meeting will be adopting the model scheme in its entirety it will be committing to provide only the information which it actually holds. Therefore, if for example the council or parish meeting does not hold a specific piece of information in one of the classes this does not mean it will be in breach of its obligations. If the council or parish meeting does not hold any information contained in a particular class it clearly cannot provide it. However, there is no need to delete the class from the model scheme.

Additional assistance is provided as to the definition of the classes of information in the guide to proactively publish information for the public. Two separate guides have been developed one for local councils and one for parish meetings and both are provided as supporting documents.

The scheme commits a local council or parish meeting:

- To proactively publish or otherwise make available as a matter of routine information, including environmental information, which is held by the council or parish meeting and falls within the classes set out below.
- To specify the information which is held by the council or parish meeting and falls within the classes below.
- To proactively publish or otherwise make available as a matter of routine information in line with the statements contained within the scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the council or parish meeting makes available under this scheme.

- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make the publication scheme available to the public.

### **Classes of Information**

The classes which are very broad in nature are set out below together with a brief summary of the kind of information the Information Commissioner anticipates is likely to fall within the scope of the class.

**The classes are: -**

- 1) Who we are and what we do.**  
Organisational information, locations and contacts, constitutional and legal governance.
- 2) What we spend and how we spend it.**  
Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
- 3) What our priorities are and how we are doing.**  
Strategy and performance information, plans, assessments, inspections and reviews.
- 4) How we make decisions.**  
Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
- 5) Our policies and procedures.**  
Current written protocols for delivering our functions and responsibilities.
- 6) Lists and Registers.**  
Information held in registers required by law and other lists and registers relating to the functions of the authority.
- 7) The Services we Offer.**  
Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law or exempt under the Freedom of Information Act.
- Information in draft form.
- Information that is no longer readily available as it is contained in files which have been placed in archive storage or is difficult to access for similar reasons.

### **The method by which information published under the scheme will be made available**

The model scheme contains standard paragraphs setting out how the information can be accessed.

### **Local councils and parish meetings will have the following obligations: -**

- To ensure the public know what information is covered by the scheme and how it can be obtained.
- Where the council or parish meeting has a website to provide the information on that website.
- If the council or parish meeting does not have a website or it is impractical to provide it in that format or if the applicant does not wish to access the information via the website the council or parish meeting will indicate how information can be obtained by other means and provide it by those means.
- The council or parish meeting will provide details of the person to be contacted by those applicants who wish to view the information in person or to take account of the possibility that

certain information only lends itself to be viewed in person. In such circumstances an appointment to view the information must also be arranged within a reasonable timescale.

- To provide information in the language in which it is held or in such other language that is legally required. To also translate any information where the council or parish meeting is legally required to do so. This may be something which could impact on community councils in accordance with the provisions of the Welsh Language Act.
- To adhere to requirements under disability and discrimination legislation and any other legislation to provide information in other forms and formats.

### **Charges which may be made for Information published under the scheme**

The model scheme also contains standard paragraphs stating whether any information contained within the classes is subject to a charge.

The scheme emphasises the following: -

- That any charges made by a council or parish meeting for routinely published material must be justified and transparent and kept to a minimum. (No more than 10p per A4 copy).
- Material which is published and accessed on a website will be provided free of charge.
- Charges may be made for actual disbursements incurred such as photocopying, postage and packing plus the cost directly incurred as a result of viewing information.
- Charges may also be made for information provided under the scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.
- Where a council or parish meeting is to make a charge, the amount should be confirmed to an applicant in advance. The council or parish meeting may also request payment prior to providing the information if it so wishes.

### **Bespoke publication schemes**

For completeness it is confirmed councils and parish meetings can still submit bespoke schemes to the Information Commissioner if they prefer not to use the model Scheme.

### **Information falling outside the scope of the publication scheme**

This will continue to be dealt separately under the charging regime set out in [The Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004](#).

## **A GUIDE TO PROACTIVELY PUBLISHED INFORMATION FOR THE PUBLIC**

This is the document which will actually be in the public domain and in essence will set out the practical effect of the scheme as well as acting as the sector specific manual. It will specify what information a council or parish meeting will routinely publish, what format/s that information will be available in and whether the council or parish meeting intends to charge for providing the same and if so the level of charge.

This is the document the public will be most interested in. It can take whichever format and style the council or parish meeting sees fit – it will not be necessary to refer to the ‘publication scheme’ or ‘classes’. In many cases, the public will access information without even realising that it is contained within a publication scheme class.

The guide which a council or parish meeting publishes does not need to be approved by the Information Commissioner. In addition, the Information Commissioner has not been prescriptive about how the guide should be presented or promoted.

The Guide gives examples of the type of information that a council or parish meeting will be expected to publish. It does not give an exhaustive list and councils and parish meetings are encouraged to routinely provide as much information as possible under the seven classes of information. By way of example under Class 4 “How we make decisions” the Guide stipulates that as a minimum the current and previous years minutes of council meetings should be made available. However, this would not prevent a council or parish meeting providing copies of minutes

which relate to periods earlier than that provided of course that information is readily available and accessible.

### **Notes to the Guide:**

- If a council or parish meeting does not hold the information listed in the Guide it can simply be deleted (by crossing it through) in its entirety.
- The second column requires each council or parish meeting to insert details of how (i.e. in what format) the information can be obtained. Some councils will have websites and will be obliged to indicate that the information can be downloaded from them. A council or parish meeting which does not have a website will need to indicate that the information will be supplied in hard copy. However, it is also recognised that certain types of information only 'lends' itself to inspection in person and this can be indicated on the Guide.
- The third column relates to the cost of providing the information. If a council or parish meeting decides that it is going to raise a charge, then it should insert the actual cost of providing the information here. The basis of this cost together with how it has been calculated should be made available by means of a separate schedule of charges (a draft schedule of charges is attached to the Guide). The guidance issued by the Information Commissioner is that councils and parish meetings can recover the actual cost of any disbursements (e.g. photocopying and postage) which are incurred. However, the recommendation is that with regard to photocopying and printing the charge should not exceed 10p per sheet. Thus, in summary, each council or parish meeting should i) decide whether it is going to charge for provision of the information, ii) complete the schedule of charges and then iii) insert the actual cost in the third column of the Guide.
- Each council or parish meeting must also specify the details of the person to be contacted by those applicants who wish to view the information in person or to take account of the possibility that certain information only lends itself to be viewed in person.

The Information Commissioner has produced guidance for completing the 'guide to information' for both councils and parish meetings.

**The Guide must be published in the public domain.** This can be done by including the Guide on a website where appropriate. Alternatively, the Guide can be displayed on a council's notice board or some other prominent place easily accessible to the public.

(For the purposes of this advice note a 'local council' is defined as a parish, town, village, neighbourhood or community council).

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