Freedom of Information Act 2000

Definition document for Welsh Government Sponsored Bodies and other public authorities

This guidance is written for the use of Welsh Government Sponsored Bodies. It gives examples of the kind 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 other public 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 the Freedom of Information Act (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 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- the information is archived, out of date or otherwise inaccessible; or,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 or definitive list of everything that you should cover 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.

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 & 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 pf 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 should be current information only.

- **Roles and responsibilities**

Provide both outline and detailed information about your roles and responsibilities and the roles and responsibilities of people working for you at a senior level.

- **Organisational structure**

An explanation of your internal structure referring to your functions, and how the structure relates to your roles and responsibilities.

- **Information relating to the legislation relevant to functions**

An explanation of the legislative basis of your activities.

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

Information need be only sufficient for the purposes of identifying the relationship between these bodies and yourself. Include the identity of the sponsoring body.

- **Chief Executive or Board Members meetings with Ministers and external organisations (including meetings with newspaper and other media proprietors, editors and senior executives)**

- **Senior executives and management board members**

Identification of, responsibilities of, and biographical details of those making strategic and operational decisions about the provision of your services.

- **Locations and contact details**

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

- **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.

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**

  o Details of spending over £25,000 (monthly).
  o Details of contracts and tenders worth over £10,000.
  o Details of government procurement card spend over £500.

Financial information in sufficient detail to allow the public to see where money is being spent, where you are, or have been planning to spend it and the difference between the two. Financial information should be published at least annually, and where practical you should also provide half yearly or quarterly financial reports. Revenue budgets and budgets for capital expenditure should be included.

- **Capital programme**

Information should be made available on major plans for capital expenditure including any private finance initiative and public private partnership contracts.

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

Details of the allowances and expenses that can be claimed or incurred including the total of the allowances and expenses paid to individual senior staff members by reference to categories. These categories should be produced in line with your policies, practices and procedures and will be under headings like travel, subsistence and accommodation.

- **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 salary bands of £5,000. For all other posts, identify levels of pay by salary range.

- **Procurement procedures**

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

- **Financial statements for projects and events**

Where there are identifiable projects, include at least those financial reports which indicate actual expenditure against original project budget. The larger the project, the greater the detail you should make available. Similarly, where organised are publicised, make the cost available through the publication scheme.

- **Internal financial regulations**

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

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

We would expect information in this class to be available at least for the current and previous three years.

Below is a list of the type of information that we would expect you to have readily available for publication. Any other reports or recorded information demonstrating your planned or actual performance should normally be included.

- **Strategic plans**
- **Annual business plan**
- **Annual report**
- **Internal and external performance reviews**
- **Reports to the Welsh Government and/or the National Assembly**
- **Inspection reports where you are 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), as appropriate and relevant
- **Service standards**
- **Statistics produced in accordance with your requirements**
- **Public service agreements**

- **Wellbeing**

Publish your wellbeing objectives, a statement about your wellbeing objectives and an annual report on the progress made in meeting those objectives, as required under the Well-being of Future Generations (Wales) Act 2015.

Class 4 - How we make decisions

Decision making processes and records of decisions

We would expect information in this class to be available at least for the current and previous three years.

- **Major policy proposals and decisions**

Information that can be made available to the public without damaging international relations or internal policy development.

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

This will 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 with access to the consultation papers, or information about where to 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 to be readily available to the public. 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 to be exempt from disclosure.

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

Where access to internal instructions, manuals and guidelines for dealing with the business of your organisation would assist public understanding of the way decisions are made these should be readily available. We would not expect information that might damage your operations to be revealed.

Class 5 - Our policies and procedures

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

We would expect information in this class to be current information only. If there is particular reason to provide information that is not still current, this should also be included.

- **Policies and procedures for the conduct of departmental business**

Codes of practice, memoranda of understanding, procedural standing orders, internal guidance about the division of responsibilities between committees and delegated authority, policies on communications.

- **Policies and procedures for the provision of services**

Policies and procedures for handling information requests should be included. Include details of how you comply with the requirements of the Welsh Language Act 1993 and/or the Welsh Language

Measure (Wales) 2011.

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

Codes of practice, memoranda of understanding and the like should be included. Where recruitment policies require the advertisement of vacancies, details of current vacancies will no doubt be readily available.

A number of policies, for example equality and diversity, health and safety, will cover both the provision of services and the employment of staff.

- **Customer service**

Standards for providing services to your customers, including the complaint 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 they are calculated.

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

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

- **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, it is accepted that in most circumstances the existing provisions covering access will suffice. We would expect however you to publicise which public registers you do hold and how the information in them is to be made public. Where registers contain personal information, you must 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, do publish 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. Where 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. You should decide on the level of detail which is appropriate. This could be by building or more general geographic locations, eg 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 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; travel (including overseas, detailed unless properly regarded as non-routine).

- **Any register of interests kept in the department or other lists required by law**

Class 7 - The services we offer

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

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, internationally, nationally and locally as a result of them.

For example, it will benefit the public to have ready access to everything from information about the services you provide to the government, to the information available at a public counter. The starting point would normally be a list or lists of the services that fall within the responsibility of your organisation, 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 you are entitled to recover a fee together with those fees**
- **Leaflets, booklets and newsletters**
- **Advice and guidance**
- **Media releases**