

# South Aberdeenshire Divisional Licensing Board

## Model Publication Scheme 2016

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## Introduction

The Freedom of Information (Scotland) Act 2002 (The Act) requires Scottish public authorities to adopt and maintain a publication scheme. Authorities are under a legal obligation to:

- (i) Publish the classes of information that they make routinely available
- (ii) Tell the public how to access the information they publish and whether information is available free of charge or on payment.

The Act also allows for the development of model publication schemes which can be adopted by more than one authority. The Commissioner's Model Publication Scheme was approved on 29<sup>th</sup> March 2016.

## About This Scheme

This single Model Publication Scheme has been produced and approved by the Scottish Information Commissioner. It remains in force until such time as the Commissioner's Model Publication Scheme is revised, at which point in time, this Scheme will be revised.

It is suitable for adoption by any authority listed in Parts 3, 5 and 6 of Schedule 1 of the Freedom of Information (Scotland) Act 2002 (councils and other local authority bodies, educational institutions, police authorities)

## Adopting the Single Model Publication Scheme 2016

This single Model Publication Scheme can be adopted only in its entirety, **without amendment**. It commits an authority to:

- **Adopting the model scheme**, and any updates to it, without amendment
- **Publishing the information**, including environmental information, which it holds and which falls within the classes of information below.
- **Ensuring that the way it publishes** its information meets the Model Publication Scheme Principles
- **Producing a Guide to Information** which sets out the information the authority publishes through the model scheme, how to access it, whether there is a charge for it and how to get help to access information
- **Notifying the Scottish Information Commissioner** that it has adopted the model scheme.

The Commissioner has issued Guidance to accompany this model scheme [www.itspublicknowledge.info/MPS](http://www.itspublicknowledge.info/MPS). This is essential reading for authorities adopting the model scheme. It explains the above requirements in further detail and lists the type of information the Commissioner expects authorities will publish under each class of information.

## Guide to Information

An authority adopting this model scheme must produce a guide to the information it publishes through the Scheme. The authority can decide the format of its Guide to information.

The purpose of this guide to information is to:

- allow the public to see what information is available and what is not available in relation to each class;

- state what charges may be applied ;
- explain how to find the information easily;
- provide contact details for enquiries and to get help with access to the information; and
- explain how to request information that has not been published.

The Guidance is split into sections covering the six Model Publication Scheme Principles:

1. availability and formats;
2. exempt information;
3. copyright and re-use;
4. charges;
5. contact details; and
6. the classes of information that we publish.

These Principles are set out in more detail below.

## **1. Availability and formats**

Information published through this model scheme, should, wherever possible, be made available on the Authority's website.

There must be an alternative arrangement for people who do not wish to, or who cannot access the information either online or by inspection at the authority's premises. An authority may, for example, send out information in paper copy on request (although there may be a charge for doing so).

## **2. Exempt information**

The authority must publish the information we hold that falls within the classes of information below. If a document contains information that is exempt under Scotland's freedom of information laws (for example sensitive personal data or a trade secret), the authority will remove or redact the information before publication and explain why it has done so.

## **3. Copyright and re-use**

The authority's Guide to Information must include a copyright statement which is consistent with the fair dealing provisions of the Copyright, Designs and Patents Act 1988. Where the authority does not hold the copyright information it publishes, this should be made clear.

Any conditions applied to the re-use of published information must be consistent with the Re-Use of Public Sector Information Regulations 2015.

The Commissioner recommends that authorities adopt the Open Government Licence and/or the non-commercial Government Licence, produced by the National Archives for their published information.

## **4. Charges**

The Guide to Information must contain a charging schedule, explaining any charges and how they will be calculated.

No charge may be made to view information on the authority's website or at its premises except where there is a fee set by other legislation, for example for access to some statutory registers.

The authority may charge for computer discs, photocopying, postage and packing and other costs associated with supplying information. The charge must be no more than these elements actually cost the authority. There may be no further charges for information in Classes 1-7 below. An exception is made for commercial publications (see Class 8 below) where pricing may be made on market value.

The authority must give the recipient advance notice of any charges to be applied.

## **5. Contact details**

The authority must provide contact details for enquiries about any aspect of the adoption of the model scheme, the authority's Guide to Information and to ask for copies of the authority's published information.

The Act requires authorities<sup>1</sup> to provide reasonable advice and assistance to anyone who wants to request information which is not published. The authority's Guide to Information must provide contact details to access this help.

## **6. Duration**

Once published through the Guide to Information, the information should be available for the current and previous two financial years. Where information has been updated or superseded, only the current version need be available (previous versions may be requested from the authority).

The Commissioner's Guidance accompanying this scheme provides lists of the types of information authorities are expected to publish under each class. The authority's Guide to Information should be clear what is available under each class,

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<sup>1</sup> Section 15 of the Freedom of Information (Scotland) Act 2002 and Regulation 9 of the Environmental Information (Scotland)(Regulations) 2004

## The Classes of Information

	<b>Class</b>	<b>Description</b>
1.	About the authority	Information about the authority, who we are, where to find us, how to contact us, how we are managed and our external relations
2.	How we deliver our functions and services	Information about our work, our strategies and policies for delivering functions and services and information for our service users.
3.	How we take decisions and what we have decided	Information about the decisions we take, how we make decisions and how we involve others.
4.	What we spend and how we spend it	Information about or strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent)
5.	How we manage our human, physical and information resources	Information about how we manage the human, physical and information resources of the authority
6.	How we procure goods and services from external providers	Information about how we procure goods and services and out contracts with external providers
7.	How we are performing	Information about how we perform as an organisation and how well we deliver our functions and services
8.	Our commercial publications	Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g. bookshop, museum or research journal
9.	Our open data	Open data made available by the authority as described by the Scottish Government's Open Data Strategy and Resource Pack, available under an open licence.