

***TAYSIDE VALUATION JOINT BOARD***



**Tayside Valuation Joint Board**

**MODEL PUBLICATION SCHEME 2017**

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## TERMS USED

Terms used	Explanation
<b>FOISA</b>	The Freedom of Information (Scotland) Act 2002
<b>EIRs</b>	The Environmental Information (Scotland) Regulations 2004
<b>Model Publication Scheme</b>	A standard framework for authorities to publish information under FOISA, approved by the Scottish Information Commissioner
<b>MPS</b>	The Model Publication Scheme
<b>Guide to Information</b>	A guide that every public authority adopting the MPS must produce to help people access the information it makes available
<b>MPS Principles</b>	The six key principles with which all information published under the MPS must comply
<b>Classes of Information</b>	Nine broad categories describing the types of information authorities must publish (if they hold it)
<b>Notification form</b>	The form an authority must submit to notify the Commissioner of its adoption of the MPS

## **INTRODUCTION**

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- 1 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.
- 2 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 March 2016.
- 3 The Commissioner has issued a Guide for Scottish Public Authorities to accompany the model scheme. This is essential reading for authorities adopting the model scheme as it explains the requirements of the scheme in detail and provides lists of types of information the Commissioner expects authorities to publish.

## **DEFINITION OF "PUBLISHED" INFORMATION**

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- 4 For the purposes of this Model Publication Scheme, to be "published", information must be:
  - (i) already produced and prepared and
  - (ii) available to anyone to access easily without having to make a request for it
- 5 Research and information services which involve the commissioning of new information are not "publications".

## **ADOPTING THIS MODEL SCHEME**

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- 6 It is expected that the model scheme will be adopted by any authority which is subject to the Freedom of Information (Scotland) Act 2002. For more information about which bodies this applies to, please visit <http://www.itspublicknowledge.info/YourRights/Whocanlask.aspx>
- 7 Adoption commits an authority to:
  - (i) adopting the model scheme, and any updates to it, without amendment
  - (ii) publishing the information, including environmental information, that it holds and which falls within the classes of information below.
  - (iii) ensuring that the way it publishes its information meets the Model Publication Scheme Principles.
  - (iv) 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.
  - (v) notifying the Scottish Information Commissioner that it has adopted the model scheme.

- 8 Where an authority fails to meet the above commitments, it cannot be considered to have adopted the Commissioner's model scheme and may be failing with the duty to adopt and maintain a publication scheme in line with section 23(1) of the Act.

## **NOTIFYING THE COMMISSIONER**

- 9 Authorities adopting the Model Publication Scheme for the first time must notify the Commissioner that they have done so. Thereafter no further notification is required unless either:
- (i) the Commissioner has revoked approval (because the authority is not complying with the Model Publication Scheme; or
  - (ii) The authority's legal status has changed (e.g. through a merger with another authority or a legal change of name).
- 10 The Commissioner will regularly review the model scheme and will consult authorities before making any substantive changes. The Commissioner will notify authorities of any changes.
- 11 The Commissioner will continue to monitor the effectiveness of authorities' application of the model publication scheme. As required, she may contact individual authorities about practice issues, in line with her Enforcement Policy.

## **MODEL PUBLICATION SCHEME PRINCIPLES**

- 12 The following principles apply to all information published through the Model Publication Scheme by any authority.

### **Principle One: Availability and formats**

- 13 Information published through this model scheme should, wherever possible, be made available on the authority's website.
- 14 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 e.g., arrange to send out information in paper copy on request (although there may be a charge for doing so).

### **Principle Two: Exempt information**

- 15 If information described by the classes cannot be published and is exempt under Scotland's freedom of information laws e.g., sensitive personal data or a trade secret, the authority may withhold the information or provide a redacted version for publication, but it must explain why it has done so.

### **Principle Three: Copyright and re-use**

- 16 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 in information it publishes, this should be made clear.
- 17 Any conditions applied to the re-use of published information must be consistent with the Re-Use of Public Sector Information Regulations 2015.

- 18 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.

#### **Principle Four: Charges**

- 19 The Guide to Information must contain a charging schedule, explaining any charges and how they will be calculated.
- 20 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 e.g., for access to some registers.
- 21 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 e.g. cost per photocopy or postage. 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 based on market value.

#### **Principle Five: Contact details**

- 22 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.
- 23 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.

#### **Principle Six: Duration**

- 24 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).

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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>
<b>1</b>	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
<b>2</b>	How we delivery our functions and services	Information about our work, our strategies and policies for delivering functions and services and information for our service users
<b>3</b>	How we take decisions and what we have decided	Information about the decisions we take, how we make decisions and how we involve others
<b>4</b>	What we spend and how we spend it	Information about our 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)
<b>5</b>	How we manage our human, physical and information resources	Information about how we manage the human, physical and information resources of the authority.
<b>6</b>	How we procure goods and services from external providers	Information about how we procure goods and services and our contracts with external providers
<b>7</b>	How we are performing	Information about how we perform as an organisation and how well we deliver our functions and services
<b>8</b>	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.
<b>9</b>	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.

