

27 April 2023

IC-228714-S1C9

## Request

On 1 April 2023 you asked the following in relation to our report '[Publication Schemes: a snapshot of compliance](#)':

*FOIA s(20)(2) says that it only applies if a Public Authority adopts an appropriate ICO Model Publication Scheme "without modification". I understand this to mean that a Public Authority would have to adopt <https://ico.org.uk/media/for-organisatio...> verbatim without making any changes, additions or subtractions.*

*You haven't required this strict interpretation of "adopted the model publication scheme" for the purposes of your analysis in the "snapshot of compliance" report. (That's fine, though could potentially be confusing.) So could you clarify whether you use the weaker criterion from the report or the stricter interpretation I gave above, to judge compliance with s(20)(2)? i.e. would you regard an Authority that had not adopted your Model Publication Scheme verbatim, but nevertheless had a scheme that met the definition you quoted in your previous response to have met the requirements of FOIA s(20)(2)?*

We referred you to our advice services because this was an enquiry, rather than an information request.

On 23 April 2023 you clarified that you wanted us to treat the above as an information request, and provide you with any recorded information we might hold on the matter.

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). As you are probably aware, this legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

## Response

We are unable to provide a response to a hypothetical scenario under the FOIA.

To the extent that recorded information has been requested here, there is no information held.

The only recorded information we hold in relation to the methodology used in the report is contained within the report itself.

You may find our [model publication schemes guide](#) and our [FOI regulatory manual](#) helpful.

This concludes our response to your request.

### **FOI review procedure**

If you are dissatisfied and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access Team at the address below or e-mail [icoaccessinformation@ico.org.uk](mailto:icoaccessinformation@ico.org.uk).

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation.

To make such an application, please write to our Customer Contact Team at the address given or visit our website if you wish to make a complaint under the FOIA.

### **Your information**

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are. This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely



Information Access Team

Risk and Governance Department, Corporate Strategy and  
Planning Service

Information Commissioner's Office, Wycliffe House, Water  
Lane, Wilmslow, Cheshire SK9 5AF

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