Freedom of Information Act 2000

Definition document for the National Assembly for Wales

This guidance gives examples of the kinds of information that we would expect the National Assembly for Wales to provide in order to meet its commitments under the model publication scheme. We would expect the Assembly to make the information in this definition document available unless:

- it does not hold the information;
- the information is exempt under one of the FOI exemptions or Environmental Information Regulations exceptions, or its release is prohibited under another statute;
- the information is readily and publicly available from an external website; such information may have been provided by the public authority or on its behalf. The authority 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- the information is archived, out of date or otherwise inaccessible; or,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.

The guidance is not meant to give an exhaustive list of everything that should be covered in a publication scheme. The legal commitment is to the model publication scheme, and authorities should look to provide as much information as possible on a routine basis.

Publishing datasets for re-use

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they 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 the public authority is the only owner, the public authority 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 Datasets 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 the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use".

| **Who we are and what we do** |
| Organisational information, structures, locations and contacts. |

We would expect information in this class to be current information only.

The Assembly should provide outline and detailed information about its role and responsibilities with particular reference to:

- **The role of the Assembly**
- **The role of the Assembly Commission**
- **The roles and identity of the Presiding Officer, Deputy Presiding Officer, and Committee Chairs**

Identification of, responsibilities of and biographical details of senior personnel in the Assembly. Any biographical details that are not related to the position should be published only with consent.

- **Committee structure and membership**
- **Information relating to the legislation relevant to functions of the Assembly**
- **The role of and business related biographical details of the Clerk of the Assembly**
- **Members of the Assembly**

Details of those who sit in the Assembly as members of the legislature. Composition of the Assembly by reference to party.

- **Membership of the Assembly Commission**
- **Relationship of the Assembly with other UK and European legislative bodies**
- **Locations and contact details**

Location of the Assembly and any of its offices indicating whether there is public access. Where possible, give named contacts.

What we spend and how we spend it
Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.

The minimum we would expect is that financial information for the current and previous two financial years should be available.

If money is allocated to specific cost centres in the Assembly and it assists in understanding how public money is spent, the Assembly should consider publishing it.

- **Financial statements, budgets and variance reports**

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

Financial information in enough detail to allow the public to see where money is being spent, where the Assembly and its Commission is or has been planning to spend it, and the difference between the two. Financial information should be published at least annually and, where practical, we would also expect half yearly or quarterly financial reports to be provided. Revenue budgets and budgets for capital expenditure should be included.

- **Audit of accounts**
- **Members' salaries, allowances and expenses**

Details of the schemes for the payment of salaries, expenses and allowances to members. While some details of the expenses paid to individuals should not be disclosed without consent, we would expect to see that the public have ready access to at least the totals, by reference to categories, paid to or incurred by individual AMs on an annual basis. Categories will be such headings as travel, subsistence, accommodation. Any consultation or review procedures should also be published.

- **Workforce pay and grading details, allowances and expenses**

The pay scales for those working at the Assembly. This may be provided as part of the organisational structure and should also identify, as a minimum, senior staff, those at Band S-3 and above,

and £5,000 salary bands for them. For junior posts, levels of pay should be identified by salary range rather than individual salaries. In addition, any schemes for the payment of allowances and expenses. Overall figures, by reference to categories, for the expenses paid to or incurred by the Clerk of the Assembly. Categories will be under such headings as travel, subsistence, accommodation.

- **Procurement procedures**

Details of procedures for acquiring goods and services. Contracts available for public tender.

- **Lists of contracts awarded and their value**

We would normally expect the Assembly to publish details only of contracts that are large enough to have gone through formal tendering.

- **Financial statements for projects and events**

If there are identifiable projects, we would expect the publication scheme to cover at least the financial reports that indicate actual expenditure against original project budgets. The larger the project, the greater the detail that should be available. Similarly, where organised events are publicised, their cost should be available through the scheme.

- **Internal financial regulations**

What are our priorities and how are we doing
Plans, performance indicators, audits 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 we would expect the Assembly to have readily available for publication. Any other reports or recorded information showing the Assembly's planned or actual performance should normally be included.

- **Assembly Business**

An indication of how business is allocated to the Assembly and its committees. Calendars of business to be conducted. The legislative programme.

- **Strategic plans**

- **Annual business plan**
- **Annual report**
- **Internal and external organisation performance reviews**
- **Inspection reports**
- **Impact assessments**
- **Privacy impact assessments (in full or summary format)**
- **Service standards**
- **Statistics produced in accordance with Assembly requirements**
- **Public service agreements**

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.

- **Legislative process**

Information about legislative competence, legislative procedures, matters proceeding through the Assembly, subordinate legislation. Records of proceedings before the Assembly.

- **Public consultations and research briefings**

Details of consultation exercises with access to the consultation papers or information about where the papers can be obtained. The results and outcomes of consultation exercises.

- **Agendas and Minutes or reports of Assembly meetings**
- **Minutes of meetings of the Commission**

We would expect minutes of senior level meetings and the minutes of similar meetings where decisions are made about providing services and other executive decisions taken to be readily available. This excludes information that is properly regarded as private to the meeting.

- **Business documents**

Documents laid before the Assembly, statements of opinion tabled by Assembly Members on matters affecting Wales, petitions and written Ministerial Statements. Reports submitted to committees excluding information that is properly regarded as private to the meeting.

- **Internal communications guidance, criteria used for decision making, internal instructions, manuals and**

guidelines

If access to internal instructions, manuals and guidelines for dealing with the business of the Assembly would help the public understand how decisions are made, these should be readily available. We would not expect information that might damage the operations of the Assembly to be revealed.

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.

- **Policies and procedures for the conduct of the Assembly's business**
- **Policies and procedures for the provision of services**

How the Assembly complies with the requirements of the Welsh Language Act 1993 and/or the Welsh Language Measure (Wales) 2011, should be included.

Policies and procedures for handling information requests should also be included.

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

The Assembly should include such items as Standing Orders of the National Assembly for Wales, procedural guidance, Presiding Officer's rulings, codes of practice, memoranda of understanding and similar information. A number of policies, for example equality and diversity and health and safety, will cover both the provision of services and the employment of staff. If vacancies are advertised as part of recruitment policies, details of vacancies will be readily available.

- **Customer service**

Standards for providing services to the Assembly's 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**

This will include information security policies, records retention,

destruction and archive policies, and data protection (including data sharing) policies.

- **Fileplans (high level, for current records management systems)**

- **Internal guidelines**

Guidelines produced for staff of the Assembly where publication of them will assist the public in understanding how the administrative arrangements of the Assembly operate.

- **Charging regimes and policies**

Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made, and how they are calculated.

If the public authority charges a fee for licensing the re-use of datasets, it should state in its guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. It cannot charge a re-use fee if it makes the datasets available for re-use under the Open Government Licence.

Lists and registers

We expect this to be information contained only in currently maintained lists and registers.

- **Public registers**

If the Assembly is required to maintain any register and make the information in it available for public inspection, the existing provisions covering access will usually be adequate. However, we expect authorities to publicise which public registers they hold, and how the information in them is to be made available to the public. Where registers contain personal information, authorities must ensure that they consider the data protection principles.

- **Asset registers and information asset register**

We would not expect the Assembly to publish all details from all asset registers. . We would, however, expect the location of public land and building assets and key attribute information that is normally

recorded on an asset register to be available along with some other information from capital asset registers. If the Assembly has prepared an information asset register for the Re-use of Public Sector Information Regulations 2005, this ought to be published.

- **CCTV**

Details of the locations of any overt CCTV surveillance cameras operated by or on behalf of the Assembly. The Assembly should decide on the level of detail which is appropriate. This could be by building or more general geographic locations, such as postcodes or partial postcodes, depending on the security issues raised.

- **Disclosure logs**

If the Assembly produces a disclosure log indicating the information provided in response to requests, it should be readily available. Disclosure logs are recommended as good practice.

Register of gifts and hospitality provided to Assembly Members and senior personnel
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 Assembly**
- **Other lists required by law**

The services we offer
Information about the services the Assembly provides including leaflets, guidance and newsletters.

- **Arrangements for visiting the Assembly**
- **Ceremonies and occasions**
- **Services for which the Assembly is entitled to recover a fee together with those fees**
- **Assembly circulars**
- **Leaflets, booklets and newsletters**
- **Advice and guidance**
- **Media releases**