

## Freedom of Information Act 2000

### Definition document for district councils in Northern Ireland

This guidance gives examples of the kinds of information that we would expect district councils in Northern Ireland to provide in order to meet their commitments under the model publication scheme.

We would expect district councils to make the information in this definition document available unless:

- they do not hold the information;
- the information is exempt under one of the FOIA 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- the information is archived, out of date or otherwise inaccessible; or,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 by a publication scheme. The legal commitment is to the model publication scheme, and councils should look to provide as much information as possible on a routine basis.

This guidance now incorporates some of the key principles, which were not already included, from the Department for Communities and Local Government (DCLG), Code of Recommended Practice for Local Authorities on Data Transparency (CoP)<sup>1</sup>. The aligning of this document with the CoP provides a harmonised approach to data transparency for local authorities and citizens and avoids unnecessary duplication.

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<sup>1</sup> <http://www.communities.gov.uk/publications/localgovernment/transparencycode>

The Information Commissioner recognises that the CoP does not apply to local authorities in Northern Ireland. However he does strongly recommend that they follow the guidance set out in this definition document which supports the model publication scheme.

### **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".

<p><b>Who we are and what we do.</b></p>
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<p>Organisational information, structures, locations and contacts.</p>
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<p>We would normally expect information in this class to be current information only.</p>
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| <ul style="list-style-type: none"> <li>• <b>Council democratic structure chart</b></li> <li>• <b>Council directorate structure chart</b></li> </ul> |
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<p>This should normally include details of the council and the committees to which the council has delegated various powers and the functions that are the responsibility of the executive; the terms of reference of the various committees and other bodies; the standing orders that regulate the proceedings at meetings; financial regulations; the code of practice for the procurement of works, supplies and services; codes of conduct for members and employees; the schedule for the payment of member's allowances; and a description of the management structure of the council's workforce.</p>
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- **Organisational chart**

A staffing structure of the directorates and departments should be included. Any further information about the internal structures of the offices of the council, including an outline of their responsibilities and the names of the directors and senior employees (in relation to the latter, consent may be refused if there is a legitimate reason for not disclosing), job descriptions, responsibilities, budgets and number of staff.

- **Location and opening times of council offices**

Councils should be considering whether details of all their properties, whether open to the public or not, are available to the public under this scheme. Obviously, the public need to have readily available the location and opening times of offices that are open to them.

- **Currently elected Councillors' information and contact details**

Any personal information should be published only with consent. The essentials are names, positions on the council and how they can be contacted.

- **Contacts for all customer-facing departments**

Councils should already be publishing as much information as possible about how they can be contacted. This should give some indication at least of the role of the contact, phone number and where used e mail address. It always assists to provide a named contact where this can be done.

- **Most recent election results**

The results of the most recent elections for councillors on the council should be available.

- **Relationships with other authorities**

It will assist members of the public to appreciate the role of a local authority if the respective roles of different local authorities are explained, partnership arrangements with other authorities are detailed and the relationship with government departments is outlined. Where local authority services are provided in a particular area by a joint or combined authority, for example port health, fire,

waste disposal, passenger transport authority, the situation should be explained with an indication of how to contact those bodies. Where a local authority has responsibility for the provision of facilities for office holders who are not themselves part of the local authority, for example the Registrar of Births Deaths and Marriages, the role of the local authority should be explained.

### **What we spend and how we spend it**

Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.

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

We would expect information to be available not only for the council as a whole but also for directorates or departments as cost units.

Where money is allocated to specific cost centres within a council and it assists in understanding how public money is spent, councils should consider publishing information at this level.

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

Details of authority spending over £30,000.

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 a council 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.

- **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**
- **The members' allowances scheme and the allowances paid under it to councillors each year**

The total of the allowances and expenses incurred by or paid to councillors by reference to categories. These categories should be

produced in line with council guidelines and will be under headings like travel, subsistence and accommodation.

- **Staff allowances and expenses**

Details of the allowances and expenses that can be incurred or claimed. It should include 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 the council's policies, practices and procedures and will be under headings like travel, subsistence and accommodation.

- **Pay and grading structure**

This may be provided as part of the organisational structure and should also identify, as a minimum, senior staff and £5,000 salary bands for them. For the purposes of this document senior staff are those earning £58,200 or more per annum. For junior posts, levels of pay should be identified by salary ranges.

The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole of the authority's workforce.

- **Election expenses (returns or declarations and accompanying documents relating to election expenses sent to the council)**
- **Procurement procedures**

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

- **Details of contracts and tenders to businesses and to voluntary community and social enterprise sector**

We do not expect that all information about all contracts however small to be included. We would normally expect there to be ready access to information about contracts that are large enough to have required a tendering process in accordance with financial regulations.

- **Details of grants to the voluntary community and social enterprise sector**
- **NI auditor's annual letter and report**
- **Internal financial regulations**
- **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.

- **Funding for partnership arrangements**

Where the council takes the lead role in a partnership arrangement, we would expect details of the funding arrangements for the partnership to be available. Where a council contributes funding to a partnership arrangement managed by another authority, we would expect details of the funding provided to be published.

- **Grant aid scheme and payments**

### **What our priorities are and how we are doing**

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

We would expect relevant information in this class to be made available for the current and previous three years. Information should be available not only for the council as a whole but also for directorates or departments where this is available.

Below is a list of the type of information we would expect councils to have readily available for publication. Any other reports or recorded information showing the council's planned or actual performance should normally be included.

- **Annual reports**
- **Strategies and business plans for services provided by the council**
- **Best value performance plans, priorities and improvement reports**
- **Internal and external organisation performance reviews, including external audits**
- **Strategies developed in partnership with other authorities**
- **Economic development action plan**
- **Forward plan**
- **Statistical information produced in accordance with the council's and departmental requirements**
- **Impact assessments**
- **Privacy impact assessments (in full or summary format)**

<ul style="list-style-type: none"> <li>• <b>Service standards</b></li> <li>• <b>Statutory Returns</b></li> </ul>
<p><b>How we make decisions</b> Decision-making processes and records of decisions.</p>
<p>We would expect information in this class to be available at least for the current and previous three years.</p> <ul style="list-style-type: none"> <li>• <b>Timetable of council meetings</b></li> <li>• <b>Agendas, officers' reports, background papers and minutes of council committee and sub committee meetings</b></li> </ul> <p>This will be the information that is required to be publicly available under local authority access to information rules.</p> <ul style="list-style-type: none"> <li>• <b>Major policy proposals and decisions</b></li> </ul> <p>Information that can be made available to the public without damaging relations with other public bodies or internal policy development.</p> <ul style="list-style-type: none"> <li>• <b>Background information relating to major policy proposal and decisions</b></li> </ul> <p>This will include facts, and analyses of facts, relevant and important to the framing of major policy proposals and decisions.</p> <ul style="list-style-type: none"> <li>• <b>Public consultations</b></li> </ul> <p>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.</p> <ul style="list-style-type: none"> <li>• <b>Internal communications guidance, criteria used for decision-making, internal instructions, manuals and guidelines</b></li> </ul> <p>If access to internal instructions, manuals and guidelines for dealing with the business of the council would help the public understand how decisions are made, these should be readily available. We would not expect information that might damage the council's operations to be revealed.</p>
<p><b>Our policies and procedures</b> Current written protocols, policies and procedures for delivering our</p>

services and responsibilities.

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

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

Procedural standing orders, internal guidance about the division of responsibilities between committees, delegated authority, policies on communications between councillors and members of staff and similar information should be included.

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

Policies of the council that affect the manner in which services are provided. This will include any policies and procedures for handling requests for information.

- **Pay policy statement**

Any decisions taken by an authority in relation to pay and reward of staff must reflect its current policy.

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

If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.

A number of policies, for example health and safety, will cover both the provision of services and the employment of staff. The Equality Scheme/Statement published in accordance with the Northern Ireland Act 1998 should be included.

- **Customer service**

Standards for providing services to the council'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 on security policies, a records retention and disposal schedule (approved by the Public Records Office



Northern Ireland) any archive policies, and data protection (including data sharing) policies.

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

Where a council 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 would expect information in this class to be current information only.

- **Public registers and registers held as public records**

Where a council 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. We would expect however councils to publicise which public registers they hold and how the information in them is to be made public. Where registers contain personal information, councils must ensure that they consider the data protection principles.

- **Asset registers and information asset register**

We would not expect councils 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 a council has prepared an information asset register it should publish its contents.

If a council has prepared an information asset register for the Re-use of Public Sector Information Regulations 2005, it should publish the contents.

- **CCTV**

Details of the locations of any overt CCTV surveillance cameras operated by or on behalf of the council. The council 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 a council produces a disclosure log indicating the information provided in response to FOI requests, it should be readily available. Disclosure logs are recommended as good practice.

- **Register of councillors' financial and other interests**
- **Senior officers' declaration of interests**

This should include the names, departments, sections and job titles of all officers who have made entries. In relation to Chief Officers information recorded in the 'professional' element of the register should also be disclosed subject to the redaction of, for example, home address, any third party personal data or sensitive personal data.

- **Register of gifts and hospitality**

Details of gifts, given or received; hospitality and from which organisation; travel (including overseas, detailed unless properly regarded as non-routine.

- **Highways, licensing, planning, commons, footpaths etc**
- **Register of electors**
- **Any register of interests held by the council**
- **Other lists required by law**

**The services we offer**

Information about the council provides, including leaflets, guidance and newsletters.

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

Generally this is an extension of part of the first class of information. While the first class provides information on a council's and its departments' roles and responsibilities, this class includes

details of the services the council provides as a result of them. The starting point would normally be a list or lists of the services the council is responsible for, linked to details of these services.

Not all councils will provide all services.

- **Regulatory and licensing responsibilities**
- **Services for local businesses**
- **Services for other organisations**
- **Services for members of the public**
- **Services for which the council is entitled to recover a fee, together with those fees**
- **Information for visitors to the area, leisure information, events, museum and archive collections**
- **Leaflets, booklets and newsletters**
- **Advice and guidance**
- **Media releases**

We would expect to see, for example, details of all the services provided by councils, for example such things as environmental health, building control, and waste collection, disposal and recycling.