

## Freedom of Information Act 2000

### Definition document for the Welsh Government

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

- it does not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited by 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- the information is archived, out of date or otherwise inaccessible; or,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 authorities should look to provide as much information as possible on a routine basis.

This information should also be provided for any executive agencies or other bodies within the government. References to “departments” in this guidance include these bodies. For example, we would expect an executive agency to publish information about its management board and accounts in the same way as the government itself.

The government retains legal responsibility for ensuring that this information is made available in accordance with the publication scheme, even if practical responsibility for implementing it is delegated to the other body.

## 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.

- **Roles and responsibilities**

The government should be providing both outline and detailed information about its roles and responsibilities, and the roles and responsibilities of people working in it at senior level.

- **Organisational structure**

An explanation of the internal structures of the government: referring to its functions; indicating the relationship of different Ministerial departments of the government with other departments both internal and external; and how the structure relates to the roles and responsibilities.

- **Ministerial meetings with external organisations (including meetings with newspaper and other media proprietors, editors and senior executives)**

- **Permanent Secretary meetings with external organisations (including meetings with newspaper and other media proprietors, editors and senior executives)**
- **Special adviser meetings with external organisations (including meetings with newspaper and other media proprietors, editors and senior executives)**
- **Information about legislation relevant to the government's functions**

An explanation of the legislative basis of the government's activities. An explanation of legislation introduced by the government to the National Assembly.

- **Lists of and information about organisations the government is responsible for, those it works in partnership with and those it sponsors**

As most of these bodies will be responsible for their own affairs, we expect this information needs only to be enough to identify the relationship between these bodies and the government.

- **Ministers, Deputy Ministers, the Counsel General, Chief Executives, management board members and senior executives**

Identification of, responsibilities of and biographical details of Ministers, senior civil servants at SCS2 and above in the government and those making strategic and operational decisions about the provision of the government's services. Biographical details that are not work related should be published only with consent.

- **Locations of, and contact details for, the Welsh Government**

This should cover the government at all levels from the central body to offices open to the public for conducting the government's business. Where possible, give named contacts.

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

Financial information about 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 and this information helps to explain how public money is spent, the government should consider publishing it.

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

Details of department spending over £25,000 (monthly).

Details of government contracts and tenders worth over £10,000

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 government 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**
- **Senior civil servants at SCS2 and above and board members' allowances and expenses**

Details of the allowances and expenses that can be claimed or incurred. It should include the total of the allowances and expenses paid to individual senior staff and management board members by reference to categories. These categories should be produced in line with the government's policies, practices and procedures and will be under headings like travel, subsistence and accommodation.

- **Ministerial expenditure**

The total of the allowances and expenses incurred by or paid to Ministers by reference to categories. These categories should be produced in line with government guidelines and will be under headings like travel, subsistence and accommodation.

- **Pay and grading structures**

This may be provided as part of the organisational structure and

should also identify, as a minimum, those at senior civil service level SCS2, and £5,000 salary bands for them. For junior posts, levels of pay should be identified by salary ranges for those posts.

- **Special advisers**

The names of special advisers, the appointing Minister, and the salaries of those earning £58,200 and above. For those earning less than £58,200 levels of pay should be identified by salary range.

- **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 government 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**

Strategies and plans, performance indicators, audits, inspections 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 that we would expect the government to have readily available for publication. Any other reports or recorded information showing the government's planned or actual performance should normally be included.

- **Open data strategies**
- **Strategic plans**
- **Annual business plan**

- **Annual report**
- **Internal and external performance reviews**
- **Reports to the National Assembly for Wales**
- **Inspection reports**
- **Impact assessments**
- **Privacy impact assessments (in full or summary format)**
- **Service standards**
- **Statistics produced in accordance with government 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

- **Major policy proposals and decisions**

Information that can be made available to the public without damaging relations with other governments or the development of government policy.

- **Background information for major policy proposal and decisions**

This will include facts, and analyses of facts, relevant and important to framing major policy proposals and decisions.

- **Public consultations**

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.

- **Regulatory impact assessments**
- **Minutes of senior level meetings**

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

- **Reports and papers provided for consideration at senior-level meetings**

Information presented to those at meetings making executive

decisions. This excludes 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 government would help the public understand how decisions are made, these should be readily available. We would not expect information to be revealed in cases where disclosure might damage the government's operations.

### **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 conducting government business**
- **Policies and procedures for delivering our services**

How the Welsh Government 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 recruiting and employing staff**

Codes of practice, memoranda of understanding and similar information should be included. A number of policies, for example equality and diversity, health and safety and Welsh language provision, will cover both the provision of services and the employment of staff. If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.

- **Customer service**

Standards for providing services to the department'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)**
- **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 and registers held as public records.**

If the government 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, the government must ensure that it considers the data protection principles.

- **Asset registers and information asset registers**

We would not expect the government 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 government 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 government. The government 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 government 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**  
Ministers – details of gifts over £260 given or received and from which organisation; travel (including overseas, detailed unless properly regarded as non-routine).

If relevant, senior civil servants at SCS2 and above and special advisers - 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 by the government**
- **Other lists required by law**

### **The services we offer**

Information about the services we currently provide including leaflets, guidance and newsletters produced.

Generally this is an extension of part of the first class of information. While the first class provides information on the roles and responsibilities of the government and its Ministers, this class includes details of the services the government provides, internationally, nationally and locally as a result of them. It will benefit the public to have ready access, for example, to everything from information about the services provided internally within the government to the information readily available at a public counter. The starting point would normally be a list or lists of the services the government is responsible for, linked to details of these services.

- **Regulatory responsibilities**
- **Services for public authorities**
- **Services for industry**
- **Services for other organisations**
- **Services for members of the public**
- **Services for which the government is entitled to recover a fee together with those fees**

- **Government circulars**
- **Leaflets, booklets and newsletters**
- **Advice and guidance**
- **Media releases**