

## Freedom of Information Act 2000

### Definition document for Welsh Government Sponsored Bodies and other public authorities.

This guidance gives examples of the kinds of information that we would expect Welsh Government Sponsored Bodies (WGSB) to provide in order to meet their commitments under the model publication scheme. This guidance may also be relevant to other public authorities which do not have a sector specific definition document (references to WGSB, in this guidance, includes those other public authorities).

We would expect these bodies 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- the information is archived, out of date or otherwise inaccessible; or,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 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.

- **Roles and responsibilities**

WGSB should be providing both outline and detailed information about their roles and responsibilities and the roles and responsibilities of those working in them at senior level.

- **Organisational structure**

An explanation of the internal structures of the WGSB referring to its functions, and how the structure relates to the roles and responsibilities.

- **Information relating to the legislation relevant to functions**

An explanation of the legislative basis of the activities of the WGSB.

- **Lists of and information relating to organisations with which the WGSB works in partnership**

It is expected that this information need be only sufficient for the purposes of identifying the relationship between these bodies and the WGSB. This will include the identity of the sponsoring body.

- **Chief Executive or Board Members meetings with Ministers and external organisations (including meetings with newspaper and other media proprietors, editors and senior executives)**

- **Senior executives and management board members**

Identification of, responsibilities of and biographical details of those making strategic and operational decisions about the provision of the WGSB's services. Any biographical details that are not work related should be published only with consent.

- **Locations and contact details**

This should cover the WGSB at all levels from the central body to any offices open to the public for the conduct of the WGSB's business. It always assists to provide a named contact where this can be done.

### **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 as a minimum that financial information for the current and previous two financial years should be available.

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

Details of sponsored body spending over £25,000 (monthly).  
Details of sponsored body contracts and tenders worth over £10,000  
Details of government procurement card spend over £500.

Financial information in sufficient detail to allow the public to see where money is being spent, where it is or has been planned to spend it and the difference between one and the other. Annual, and where practicable shorter timescales, should be used i.e. half yearly or quarterly. We would expect revenue budgets and budgets for capital expenditure to 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 staff and board members' allowances and expenses**

For the purposes of this document, senior staff are defined as those earning at least £58,200 per annum. 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 members by reference to categories. These categories should be produced in line with the WGSBs policies, practices and procedures 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, senior staff, and £5,000 salary bands for them. For junior posts, levels of pay should be identified by salary ranges.

- **Procurement procedures**
  - Details of procedures used for the acquisition of goods and services. Contracts currently available for public tender.
- Financial statements for projects and events**

Where there are identifiable projects, we would expect the publication scheme to cover at least those financial reports which indicate actual expenditure against original project budget. The larger the project, the greater the detail that should be available. Similarly, where events are organised that are publicised, the cost of them should be available through this 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 authorities to have readily available for publication. Any other reports or recorded information demonstrating the WGSB's planned or actual performance should normally be included.

- **Strategic plans**
- **Annual business plan**
- **Annual report**
- **Internal and external performance reviews**
- **Reports to the Welsh Government and/or the National Assembly**
- **Inspection reports where the WGSB is subject to formal inspection**
- **Privacy impact assessments (in full or summary format)**
- **Service standards**
- **Statistics produced in accordance with the WGSB's 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 international relations or internal policy development.

- **Background information relating to major policy proposals and decisions**

This will include facts, and analyses of facts, relevant and important to the framing of 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 of consultation exercises.

- **Minutes of senior level meetings**

We would expect management board minutes and the minutes of similar meetings where decisions are made about the provision of services, excluding material that is properly considered to be private, to be readily available to the public.

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

Information presented to those at meetings making executive decisions, excluding those elements properly considered to be private.

- **Internal communications guidance and criteria used for decision making, ie process systems and key personnel**

Where access to internal instructions, manuals and guidelines for dealing with the business of the WGSB would assist public understanding of the way decisions are made these should be readily available. We would not expect information that might damage the operations of the WGSB 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. If there is particular reason to provide information that is not still current, this should also be included.

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

Codes of practice, memoranda of understanding, procedural standing orders, internal guidance about the division of responsibilities between committees and delegated authority, policies on communications.

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

Policies and procedures for handling information requests should be included. How the WGSB 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 the recruitment and employment of staff**

Codes of practice, memoranda of understanding and the like should be included. Where recruitment policies require the advertisement of vacancies, details of current vacancies will no doubt be readily available.

A number of policies, for example equality and diversity, health and safety, will cover both the provision of services and the employment of staff.

- **Customer service**

Standards for the provision of services to the WGSB'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 and clearly state what costs are to be recovered together with 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 would expect information in this class to be information in currently maintained lists and registers only.

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

Where an WGSB is obliged to maintain a register and to make the

information in it available for inspection by the public, it is accepted that in most circumstances the existing provisions covering access will suffice. We would expect however that WGSBs do publicise which public registers they hold and how the information in them is to be made public. Where registers contain personal information, WGSBs must ensure that this is protected by the data protection principles.

- **Asset registers and Information Asset Register**

We would not expect WGSBs 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. Where an WGSB 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 WGSB. The WGSB 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**

Where an WGSB produces a disclosure log indicating the information that has been provided in response to request it should be readily available. Disclosure logs are themselves recommended as good practice.

**Register of gifts and hospitality provided to Board members and senior staff**

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 department**
- **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 WGSB, this class includes details of the services which are provided by the WGSB, internationally, nationally and locally as a result of them. It will be of public benefit to have ready access, for example, to everything from information about the services provided to the government to the information readily available at a public counter. The starting point would normally be a list or lists of the services that fall within the responsibility of the WGSB, 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 WGSB is entitled to recover a fee together with those fees**
- **Leaflets, booklets and newsletters**
- **Advice and guidance**
- **Media releases**