

## Freedom of Information Act 2000

# Definition document for district councils in Northern Ireland

This guidance is written for the use of district councils in Northern Ireland. It gives examples of the kinds of information that the ICO expects you to provide in order to meet your commitments under the model publication scheme.

The ICO expects you to make the information in this definition document available unless:

- you do not hold the information;
- the information is exempt under one of the Freedom of Information Act 2000 (FOIA) exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another statute (eg UK GDPR);
- the information is readily and publicly available from an external website. Such information may have been provided by you or on your behalf. You 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- the information is archived, out of date or otherwise inaccessible;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.

If the information is held by another public authority, you should provide details of where to obtain it.

The guidance is not meant to give an exhaustive or definitive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and you should look to provide as much information as possible on a routine basis, which must include all information that is required by statute.

This guidance now incorporates some of the key principles, which were not already included, from the Department for Levelling Up, Housing & Communities' (DLUHC), (originally, the Department for Communities and Local Government (DCLG)), [Code of Recommended Practice for Local Authorities on Data Transparency \('CoP'\)](#) and the [Local Government Transparency Code 2015 \('the code'\)](#). The aligning of this document with

the CoP provides a harmonised approach to data transparency for you and avoids unnecessary duplication.

The ICO recognises that the CoP does not apply to local authorities in Northern Ireland. However, we strongly recommend that you follow the guidance set out in this definition document which supports the model publication scheme.

## **Publishing datasets for re-use**

As a public authority, you must publish under your publication scheme any dataset you hold that has been requested, together with any updated versions, unless you are satisfied that it is not appropriate to do so. So far as reasonably practicable, you 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 you are the only owner, you 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 [2018 section 45 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 [Datasets \(sections 11, 19 & 45\)](#). This explains what is meant by "not appropriate" and "capable of re-use".

## **Model publication scheme**

The table below identifies the specific information the ICO expects you to publish under each of the seven classes of information set out in the [model publication scheme](#).

<h3><b>Class 1 - Who we are and what we do</b></h3>
Organisational information, structures, locations and contacts.
Information in this class should be current information only.
<ul style="list-style-type: none"><li>• <b>Council democratic structure chart</b></li></ul>

- **Council directorate structure chart**

Include details of:

- the council and the committees to which you have 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.

- **Organisational chart**

A staffing structure of the directorates and departments should be included. Include any further information about the internal structures of your offices, including an outline of the responsibilities and the names of the directors and senior employees, job descriptions, responsibilities (publish personal information in line with UK GDPR), budgets and number of staff.

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

Provide your postal and email address. If possible, provide named contacts including contact phone numbers and email addresses. Make readily available the location and opening times of offices that are open to the public.

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

Personal information should be published only in line with the UK GDPR. The essentials are names, positions on the council and how they can be contacted.

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

You should already be publishing as much information as possible about how you can be contacted. This should give some indication at least of the role of the contact, phone number and where used, an email address. It will always assist to provide named contact where this can be done.

- **Most recent election results**

Make available the results of the most recent elections for councillors.

- **Relationships with other authorities**

Outline the respective roles of different local authorities, partnership arrangements with other authorities and relationships with government departments. Where services are provided in a particular area by a joint or combined authority, for example port, health, fire, waste disposal or passenger transport authority, provide an explanation and contact details for those bodies. If you have 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, explain your role.

## **Class 2 - What we spend and how we spend it**

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

Information in this class should be available at least for the current and previous two financial years.

Provide this information 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 the council and it assists in understanding how public money is spent, you should consider publishing information at this level.

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

Provide details of authority spending over £30,000 and of government procurement card spend over £500.

Provide financial information in enough detail to allow the public to see where money is being spent, where you are or have been planning to spend it and the difference between the two. Financial information should be published at least annually and, where practical, provide half-yearly or quarterly financial reports. Include revenue budgets and budgets for capital expenditure.

- **Capital programme**

Make information 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 your guidelines under headings like travel, subsistence and accommodation.

- **Staff allowances and expenses**

Provide details of the allowances and expenses that can be incurred or claimed. 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 your policies, practices and procedures under headings like travel, subsistence and accommodation.

- **Pay and grading structure**

You can provide this as part of your organisational structure. As a minimum, include the details of senior staff salaries in bands of £5,000. For all other posts, identify levels of pay by salary ranges.

The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole of your 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**

You should provide 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, include at least the financial reports that indicate actual expenditure against original project budgets. The larger the project, the greater the detail you should make available. Similarly, where organised events are publicised, make the cost available.

- **Funding for partnership arrangements**

Where you take the lead role in a partnership arrangement, you should make details of the funding arrangements for the partnership available. Where you contribute funding to a partnership arrangement managed by another authority, make details of the funding provided available.

- **Grant aid scheme and payments**

### **Class 3 - What our priorities are and how we are doing**

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

Make information in this class available for the current and previous three years. Provide information for the council as a whole and for directorates or departments where this is available.

Below is a list of the type of information you should have readily available for publication. Include any other reports or recorded information showing your planned or actual performance.

- **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 council and departmental requirements**
- **Data protection impact assessments (in full or summary format), or any other impact assessments (eg health and safety impact assessments, equality impact assessments, rural needs) as appropriate and relevant**
- **Service standards**
- **Statutory returns**

## **Class 4 - How we make decisions**

Decision-making processes and records of decisions.

Make information in this class available for at least the current and previous three years.

- **Timetable of council meetings**
- **Agendas, officers' reports, background papers and minutes of council committee and sub-committee meetings**

Provide the information that is required to be publicly available under local authority access to information rules. Exclude material that is properly considered exempt from disclosure.

- **Major policy proposals and decisions**

Information that you can make available to the public without damaging relationships with other public bodies or internal policy development.

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

Include facts and analyses of facts relevant and important to the framing of major policy proposals and decisions.

- **Public consultations**

Provide details of consultation exercises and access to the consultation papers, or information about where to obtain the papers. Include the results and outcomes of consultation exercises.

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

Make readily available internal instructions, manuals and guidelines for dealing with the business of the council if it will help the public understand how you make decisions. This does not include information that might damage your operations.

## **Class 5 - Our policies and procedures**

Current written protocols, policies and procedures for delivering our services and responsibilities.

Information in this class should 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**

Include 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.

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

Provide policies that affect the manner in which your services are provided. Include any policies and procedures for handling requests for information.

- **Pay policy statement**

Any decisions taken in relation to pay and reward of staff must reflect your current policy.

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

If vacancies are advertised as part of recruitment policies, provide details of current vacancies.

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

Include the equality scheme or statement produced in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998, and also the results of assessments, consultation and monitoring of compliance with your duties under equality legislation.

- **Customer service**

Include standards for providing services to your customers, including the complaints procedures. Complaints procedures will include those covering requests for information and operating the publication scheme.

- **Records management and personal data policies**

Include information on security policies, records retention and disposal schedule (approved by the Public Records Office Northern Ireland) any archive policies, and data protection (including data sharing and CCTV usage) policies.

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

- **Charging regimes and policies**

Provide details of any statutory charging regimes. Charging policies should include charges made for information you routinely publish. They should clearly state what costs you are recovering, the basis on which you make them and how you calculate them.

If you charge a fee for licensing the re-use of datasets, state in your guide to information how you calculate this and whether you make the charge under the Re-use Fees Regulations or under other legislation. You cannot charge a re-use fee if you make the datasets available for re-use under the Open Government Licence.

## **Class 6 - Lists and registers**

Information in this class should be current information only.

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

If you are 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, you should publicise which public registers you hold and how the information in them is available to the public. Where registers contain personal information, you must ensure that you comply with UK GDPR.

- **Asset registers**

You do not need to publish all details from all asset registers. However, include the location of public land and building assets and key attribute information that is normally recorded on an asset register along with some other information from capital asset registers.

- **Information asset register**

If you have prepared an information asset register for the Re-use of Public Sector Information Regulations 2015, publish the contents.

- **CCTV**

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

- **Disclosure logs**

If you produce a disclosure log indicating the information provided in response to and EIR requests, make it 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 consideration of the UK GDPR.

- **Register of gifts and hospitality**

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

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

## **Class 7 - The services we offer**

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

Information in this class should be current information only.

Generally, this is an extension of part of the first class of information. While the first class provides information on roles and responsibilities, this class includes details of the services you provide as a result of them. The starting point would normally be a list or lists of the services you are responsible for, linked to details of these services.

Not all district councils will provide all the services listed.

- **Regulatory and licensing responsibilities**
- **Services for local businesses**

- **Services for other organisations**
- **Services for members of the public**
- **Services for which you are 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**
- **Election information**