

## Freedom of Information Act 2000

### Definition document for the House of Lords

This guidance is written for the House of Lords. It gives examples of the kinds of information that the ICO expects the House of Lords (the House) 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 General Data Protection Regulation);
- the information is readily and publicly available from an external website. Such information may have been provided either 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- the information is archived, out of date or otherwise inaccessible; or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 provide as much information as possible on a routine basis which must include all information that is required by statute.

For each class of information, you need to consider two different areas: the work undertaken by the Lords themselves, and decisions made by the Clerk of the Parliaments about administrative and financial matters.

## 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 Parliament (the House) 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](#). In the case of the House of Lords, the appropriate vehicle is the [Open Parliament 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 \(sections 11, 19 and 45\)](#). 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](#).

### **Class 1 - Who we are and what we do**

Organisational information, structures, locations and contacts

Information in this class should only be current information, unless otherwise stated.

- **Roles and responsibilities**

Provide both outline and detailed information about your roles and responsibilities and the roles and responsibilities of those working there, for example the Lord Speaker.

- **Organisational structure**

An explanation of the internal structures of the House referring to your functions, and how the structure relates to your roles and responsibilities. Include the committee structure and the staffing structure with particular reference to the Clerk of the Parliaments and administrative departments.

- **Gender pay gap reporting**

Read the government's guidance on the [gender pay gap reporting](#) to find out what information you need to publish. Publish this data annually if you have a head count of 250 staff or more.

- **Members of the House of Lords**

Details of those who sit in the Lords, membership of committees and composition of the House by reference to party and type.

- **Contact details for the House of Lords.**

Provide your postal and email address. If possible, provide named contacts including contact phone numbers and email addresses.

- **Information relating to the legislation or conventions relevant to the functions of the House of Lords**

## **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

As a minimum, make financial information for the current and previous two financial years available.

If you allocate money to specific cost centres in a department and this information helps to explain how public money is spent, consider publishing it.

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

Provide details about:

- spending by the House over £25,000;

- register of contracts awarded by the House and contracts awarded jointly with the House of Commons;
- details of government procurement card spend over £500.

Explain financial information in enough detail to allow the public to see where you are spending money, where you are or are planning to spend it, and the difference between the two.

Budget estimates and requests for resources for the cost of running the House and your staff, together with statements indicating what has been spent. Financial information should be published at least annually and, where practical, the ICO would also expect half yearly or quarterly financial reports to be provided. Revenue budgets and budgets for capital expenditure should be included.

- **Capital programme**

Make information available on major plans for capital expenditure.

- **Financial audit reports**
- **Expenses and allowances schemes and amounts paid to Members of the House of Lords**

Provide details of the schemes for the payment of expenses and allowances to Members of the House. The public should have access to the totals paid to or incurred by individual Members on an annual basis at least.

- **Staff allowances and expenses produced in line with the House of Lords' policies.**

Provide details of the allowances and expenses that can be incurred or claimed, including the total of the allowances and expenses paid to individual members of senior staff and the Management Board, in line with the policies of the House, by reference to categories. Produce these categories in line with your existing policies, practices and procedures, under headings like travel, subsistence, 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 range.

- **Procurement procedures**

- **Financial statements for programmes and ceremonial events**

If there are identifiable programmes, your publication scheme should cover at least the financial reports that indicate actual expenditure against original budgets. The larger the project, the greater the detail that you should make available. Similarly, where public and/or ceremonial events are publicised, make their cost available through the publication scheme.

- **Internal financial regulations**
- **Prompt payment performance**

If applicable to you, publish data annually on your prompt payment performance in line with the government's [Prompt Payment Policy](#).

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

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

Publish all relevant information in this class for the current and previous three years at least.

- **Planned business**

Include an indication of how business is allocated to the House and its committees, calendars of business to be conducted, and business plans for the provision of administrative services.

Below is a list of the type of information you should have readily available for publication. In general, include any other reports or recorded information showing the House's planned or actual performance.

- **House of Lords Annual Report**
- **Organisational and performance reviews**
- **Progress reports**
- **Statistics**

Statistics the House keeps to indicate work being undertaken.

- **Annual business plan**
- **Strategic plans**
- **Reports and reviews on performance**
- **Data protection impact assessments (in full or summary format) or any other impact assessment (eg Health and Safety Impact Assessment, Equality Impact Assessments etc), as appropriate and relevant**
- **Service standards**
- **The House's open data strategies**

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

Decision making processes and records of decisions

Publish all relevant information in this class for the current and previous three years at least.

- **Records of meetings and proceedings**

Include records of proceedings of the House and its committees, judgments of the Law Lords (to 2009), and minutes of senior management meetings. Exclude material that is properly considered to be exempt from disclosure.

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

Exclude material that is properly considered exempt from disclosure.

- **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 House would help the public understand how decisions are made, then make these readily available. However, you do not need to reveal 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 only be current information.

- **Policies and procedures for the conduct of the business of the House**
- **Policies and procedures for the provision of services**
- **Policies and procedures for the recruitment and employment of staff**
- **Equality and diversity**
- **Health and safety**
- **Policies and procedures for handling requests for information**

Include codes of practice, memoranda of understanding and similar information. A number of policies will cover both the provision of services and the employment of staff, for example equality and diversity, and health and safety. If you advertise vacancies as part of recruitment policies, make details of current vacancies available.

- **Records management and personal data policies**

Include information on security policies, records retention, destruction and archive policies, and data protection (including data sharing and CCTV usage) policies.

- **Fileplans (high level, for current records management systems)**
- **Customer service and complaints policies and procedures**

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

- **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 the charge is made 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 Parliament Licence.

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

Information in this class should only be information contained in currently maintained lists and registers.

- **Public registers.**

List any public registers you hold and how to access them.

- **Asset registers and information asset register**

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 you normally record on an asset register, along with some other information from capital asset registers. 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 FOIA and EIR requests, make it available. Disclosure logs are recommended as good practice.

- **Register of gifts and hospitality**

Senior staff, Management Board and the Speaker of the House of Lords:

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

- **Registers of interests**

Limit this information to that which can be found in the [Register of Lords' Interests](#), as required by [the Code of Conduct for Members of the House of Lords](#).

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

Information about the services we offer including leaflets, guidance and newsletters

Generally, this is an expansion of part of the first class of information. While the first class provides information on your roles and responsibilities, this class includes details of the services which you provide, internationally, nationally and locally as a result of them. It will benefit the public to have ready access, for example, to everything from the services provided as part of the legislature to the information readily available at a public counter. The starting point would normally be a list or lists of the services that the House is responsible for, linked to details of these services.

- **Legislative procedures**
- **Judicial business (to 2009)**
- **Records and archives**
- **Scrutiny of government performance**
- **Ceremonies and occasions**
- **Library Notes**
- **Visits**
- **Advice and guidance**
- **Media releases**
- **Leaflets and booklets**
- **Details of the services for which the House is entitled to recover a fee together with those fees.**