

## Freedom of Information Act 2000

### Definition document for principal local authorities (county councils, unitary authorities, metropolitan district councils, borough councils, city councils and district councils, the council of the Isles of Scilly and local authorities in Wales)

This guidance is written for the use of principal local authorities. 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 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 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- the information is archived, out of date or otherwise inaccessible; or,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.

This 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 those key principles, which were not

already included, from the Department for Levelling Up, Housing and Communities (DLUHC, originally known as the Department for Communities and Local Government [DCLG]) [Local Government Transparency Code 2015 \('the code'\)](#). The aligning of this definition document with the code provides a harmonised approach to data transparency for you and avoids unnecessary duplication.

The ICO recognises that the code does not apply to local authorities in Wales. However, the ICO 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**

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 s45 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 \(section 11, 19 & 45\)](#). 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](#).

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

Organisational information, structures, locations and contacts.

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

- **Council constitution**

All the documents you are required to bring together and make available for public inspection under the Local Government Act 2000, such as:

- articles of the constitution setting out the basic principles that underlie the way you operate;
- 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.

- **Council democratic structure**

Any further information not included in the constitution about your decision making bodies and their role.

- **Organisational chart**

Include the staffing structure of directorates and departments. Add any further information about the internal structures of your offices, including an outline of their responsibilities and the names of the directors and senior employees, job descriptions, responsibilities, budgets and number of staff. Publish personal

information in line with UK GDPR.

- **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.

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

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**

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

- **Contact details for all customer-facing departments**

You 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 email address. You should provide a named contact where possible.

- **Most recent election results**

Make available the results of the most recent elections for councillors. You may also wish to include the results of other elections conducted in the area.

- **Relationships with other authorities**

Provide an outline of the respective roles of different local authorities, partnership arrangements with other authorities and relationships with central government departments. Where local authority 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 Returning Officer or the Registrar of births, deaths and marriages, explain your role. You should include the role of the monitoring officer in respect of your own and other councils.

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

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

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

Provide this information not only for the council as a whole but also for your directorates or departments as cost centres.

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

Details of expenditure over £500, including costs, supplier and transaction information (quarterly).

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

- **Capital programme**

You should make available information 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. You should produce these categories in line with council guidelines and will be under headings like travel, subsistence and accommodation.

- **Staff allowances and expenses**

Provide details of the allowances and expenses that can be incurred or claimed. You should include the total of the allowances and expenses paid to individual senior staff members by reference to categories. You should produce these in line with your existing policies, practices and procedures. These will be under headings like travel, subsistence and accommodation.

- **Pay and grading structure**

You can provide this as part of the organisational structure. Publish this information in line with the [Local Government Transparency Code 2015](#). Include senior employee salaries in bands of £5,000. For all other posts, identify levels of pay by salary range.

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, including any country specific requirements (eg [Wales procurement policy statement](#))**

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

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

Publish contracts and tenders that exceed £500.

- **Details of grants to the voluntary community and social enterprise sector**

- **District auditor’s report**
- **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.

- **Internal financial regulations**
- **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.

- **TU facility time reporting**

Read the government guidance on reporting [trade union facility time](#) to find out what information you need to publish. You need to publish this information once a year.

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

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

Make information available in this class at least for the current and previous three years. Provide 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. Any other reports or recorded information showing your planned or actual performance should normally be included.

- **Annual reports**
- **Strategies and business plans for services provided by the council**
- **Best value local performance plan**
- **Internal and external organisation performance reviews, including external audits**
- **Strategies developed in partnership with other authorities**

Include information such as community partnership strategies, safety and crime reduction strategies, road safety strategy, joint housing strategies and joint strategies for health issues and children's services.

- **Economic development action plan**
- **Forward plan**
- **Capital strategy**
- **Best value performance indicators**
- **District auditor's reports on the best value performance plan and performance indicators**
- **Comprehensive performance assessment**
- **Inspection reports**
- **Local area agreements**
- **Statistical information produced in accordance with the council's 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), as appropriate and relevant**
- **Service standards**

- **Public service agreements**
- **Wellbeing**

(If applicable) Publish your wellbeing objectives, a statement about your wellbeing objectives and an annual report on the progress made in meeting those objectives, as required under the Wellbeing of Future Generations (Wales) Act 2015.

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

Decision-making processes and records of decisions.

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

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

As a minimum, include information that you are required to make 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 internal policy development and relationships with other public authorities.

- **Facts and analyses of facts considered when framing major policies**
- **Public consultations**

Provide details of consultation exercises and access to the consultation papers, or information about where to obtain 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 your authority if it will help the public to understand how you make decisions. You can exclude 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 to be current information only.

Some of the information about policies and procedures will be covered by the council's constitution.

- **Policies and procedures for conducting business**

Include codes of practice, memoranda of understanding, procedural standing orders, internal guidance about the division of responsibilities between committees and delegated authority, policies on communications between councillors and members of staff and similar information.

- **Policies and procedures for delivering services**

Including local area agreement memoranda and policies and procedures for handling information requests.

- **Pay policy statement**

Any decisions taken by an authority 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 your recruitment policies, make details of current vacancies readily available.

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

- **Equality, diversity and inclusion policies**
- **Health and safety**
- **Customer service and complaints policies and procedures**

Standards for providing services to your customers, including your complaint procedures. As part of your complaints procedures, include those covering requests for information and operating the publication scheme.

- **Records management, personal data and access to information policies**

Include information security policies, records retention, destruction and 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. Include in your charging policies charges made for information routinely published. Clearly state what costs you are recovering, the basis on which you make them, and how you calculated them.

If you charge a fee for licensing the re-use of datasets, you should state in your guide to information how this is calculated 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 Government Licence.

## **Class 6 – Lists and registers**

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

- **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 and information asset register**

Provide some information from capital asset registers. If you have prepared an information asset register, publish its contents. If you have prepared an information asset register for the Re-use of Public Sector Information Regulations 2005, publish its contents.

- **CCTV**

Details of the locations of any overt CCTV surveillance cameras operated by or 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 readily available. Disclosure logs are recommended as good practice.

- **Register of councillors' financial and other interests**

- **Senior officers' declaration of interests**

Include the names, departments, sections and job titles of all officers who have made entries. In relation to chief officers,

disclose also information recorded in the 'professional' element of. When disclosing this information, you must ensure that you comply with UK GDPR and redact their home address, any third-party personal data or sensitive personal data.

- **Register of gifts and hospitality**

Include details of gifts, given or received, and details of any hospitality afforded and by which organisation.

- **Highways, licensing, planning, commons, footpaths**
- **Register of electors (ie [open/edited register](#))**

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

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

Information available in this class to be current information only unless stated otherwise.

Generally, this is an extension 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 that you are responsible for, linked to details of these services.

Not all local authorities 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 you are entitled to recover a fee, together with those fees**

- **Information for visitors to the area, leisure information, events, museums, libraries and archive collections**
- **Leaflets, booklets and newsletters**
- **Advice and guidance**
- **Media releases**

For example, make information available on the following services:

- that county councils provide for such things as waste disposal, education and children's services, public transport, fire services and trading standards;
- that district councils provide for such things as environmental health, housing and council tax benefits, council tax collection, planning (development control), building control, waste collection and recycling, port health and role of the monitoring officer; and
- that unitary authorities provide across the whole range of local authority services.

- **Election information**

The ICO recognises that the offices of the returning officer and of the electoral registration officer are separate to the functions of local authorities. Information you hold on behalf of these two officers is not currently covered by FOIA. However, much of the information about elections is also held by you and you should make this information available through the publication scheme. For example, include: forthcoming elections, election results, review of polling stations, information on becoming a councillor and voting procedures.