

## Freedom of Information Act 2000

### Definition document for the Welsh Government

This guidance gives examples of the kinds of information that the ICO expects the Welsh Government 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 FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited by 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- the information is archived, out of date or otherwise inaccessible; or,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 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 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 information should also be provided for any executive agencies or other bodies within the Welsh Government. References to "departments" in this guidance include these bodies. For example, the ICO expects an executive agency to publish information about its management board and accounts in the same way as the Welsh Government itself.

The Welsh 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**

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 \(section 11, 19 & 45\)](#). 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 should be current information only unless stated otherwise.

- **Roles and responsibilities**

Provide outline and detailed information about your roles and responsibilities, and the roles and responsibilities of people at a senior level.

- **Organisational structure**

Provide an explanation of your internal structures. Refer to your functions and indicate the relationship of different Ministerial departments of the Welsh 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 your activities. An explanation of legislation introduced by you to the Senedd.

- **Lists of, and information about organisations you are responsible for, those you work in partnership with and those you sponsor**

As most of these bodies will be responsible for their own affairs, the

ICO expects this information to be enough to identify the relationship between you and these bodies.

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

Identity of, responsibilities of, and biographical details of Ministers, senior civil servants and those making strategic and operational decisions about the provision of your services.

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

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

- **Gender pay gap data**

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.

## **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 financial information for the current and previous two financial years available.

If money is allocated to specific cost centres and this information helps to explain how public money is spent, 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 you are, or have been planning to spend it, and the difference between the two.

Publish financial information at least annually and, where practical, also provide half yearly or quarterly financial reports. Include revenue budgets and budgets for capital expenditure.

- **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 and board members' allowances and expenses**

Details of the allowances and expenses that can be claimed or incurred. 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**

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.

- **Special advisers**

Provide the names of special advisers, the appointing Minister and, as a minimum, the relevant salaries pay band.

- **Procurement procedures**

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

- **Lists of contracts awarded and their value**

Publish details only of those contracts that are large enough to have gone through formal tendering.

- **Financial statements for projects and events**

If there are identifiable projects, the ICO expects 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, make the cost available through the publication scheme.

- **Internal financial regulations**

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

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

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

Below is a list of the type of information that you should have readily available for publication. Any other reports or recorded information showing your 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 Senedd**
- **Inspection reports**
- **Data protection impact assessments (in full or summary format) or any other impact assessment (eg Health & Safety Impact Assessment, Equality Impact Assessments etc), as appropriate and relevant**
- **Service standards**
- **Statistics produced in accordance with government**

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

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

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

Decision-making processes and records of decisions

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

- **Major policy proposals and decisions**

Make information available to the public where this can be done without damaging relations with other governments or the development of government policy.

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

Include facts, and analyses of facts, relevant and important to framing 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 of consultation exercises.

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

Make management board minutes and the minutes of similar meetings where decisions are made about providing services available. Exclude material that is properly considered to be exempt from disclosure.

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

Information presented to those at meetings making executive decisions. Exclude material that is properly considered to be 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 government would help the public understand how decisions are made, these should be readily available. The ICO does not expect information to be revealed in cases where disclosure might damage the government's 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.

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

Include details of how you comply 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**

Include codes of practice, memoranda of understanding and similar information. 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 you advertise vacancies as part of recruitment policies, make details of current vacancies available.

- **Customer service**

Standards for providing services to your 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**

Include information on 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. 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 contained only in currently maintained lists and registers.

- **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, publicise which public registers you hold, and how you make the information in them available to the public. Where registers contain personal information, you must ensure that you consider the data protection principles.

- **Asset registers and information asset registers**

The ICO does not expect you to publish all details from all asset registers. However, the ICO expects 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 you have prepared an information asset register for the Re-use of Public Sector Information Regulations 2015, you should publish the contents.

- **CCTV**

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

- **Register of gifts**

Ministers – details of gifts over £320 given or received and from which organisation; travel (including overseas, detailed unless properly regarded as non-routine).

If relevant, senior civil servants 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**

## **Class 7 - 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 Welsh Government and its Ministers, this class includes details of the services 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 information about the services provided internally within the Welsh Government to the

information readily available at a public counter. The starting point would normally be a list or lists of the services you are 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**