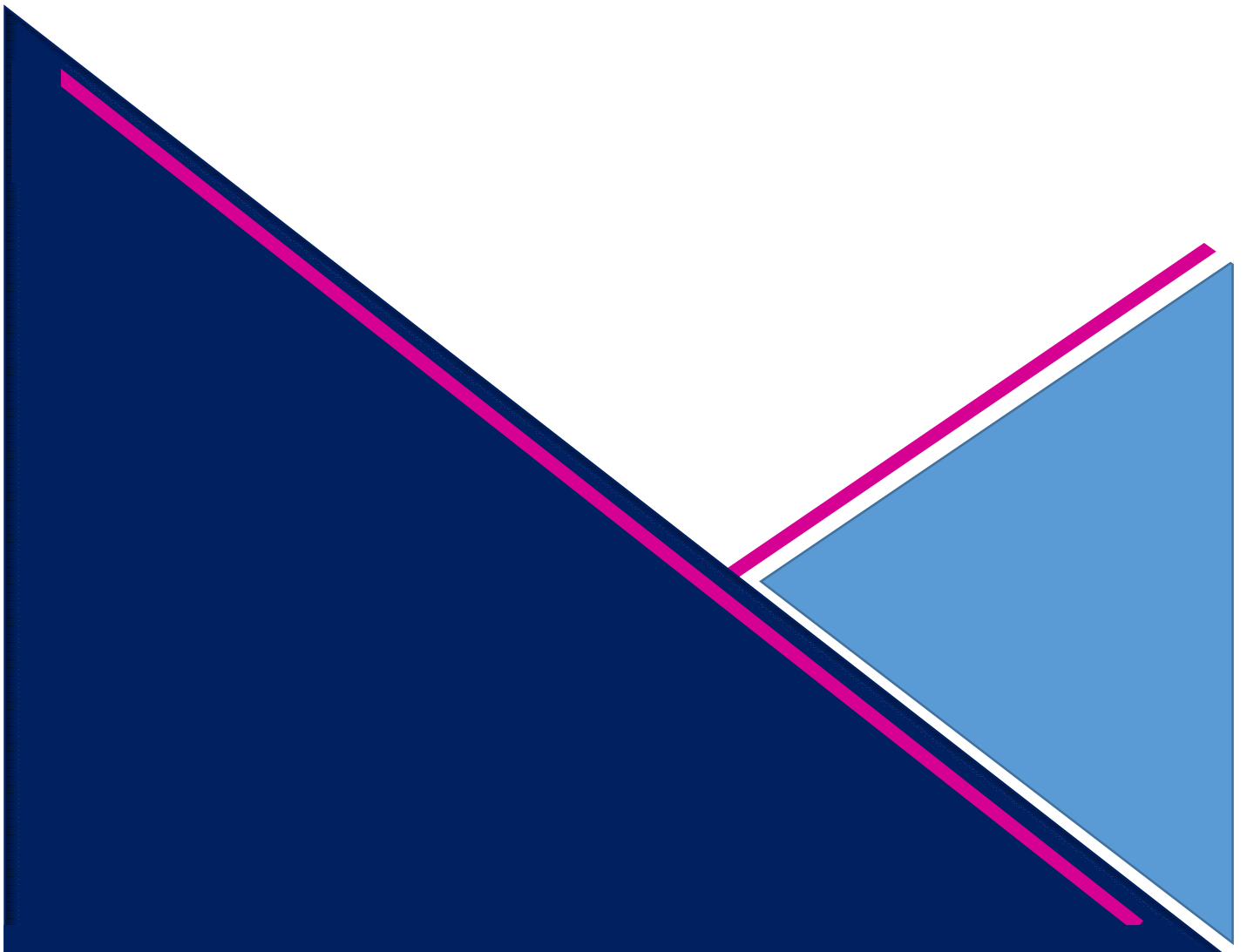


ABERDEENSHIRE LICENSING BOARD

MODEL PUBLICATION SCHEME 2020



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(please include Freedom of Information "Publication Scheme" in the subject line)

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INTRODUCTION

The Freedom of Information (Scotland) Act 2002 (The Act) requires Scottish public authorities to adopt and maintain a publication scheme. Authorities are under a legal obligation to:

- (i) Publish the classes of information that they make routinely available
- (ii) Tell the public how to access the information they publish and whether information is available free of charge or on payment.

The Act also allows for the development of model publication schemes which can be adopted by more than one authority. The Commissioner's Model Publication Scheme was approved on 29th March 2016.

The Commissioner has issued Guidance to accompany this Model Publication Scheme¹ to accompany the Model Publication Scheme. This is essential reading for authorities adopting the Model Publication Scheme as explains the requirements of the Scheme in detail and provides lists the type of information the Commissioner expects authorities to publish.

¹ www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/GuidesToInformation.aspx

ADOPTING THE MODEL PUBLICATION SCHEME

It is expected that the Model Publication Scheme will be adopted by any authority which is subject to FOISA. For more information about which bodies this applies to, please visit: <http://www.itspublicknowledge.info/YourRights/Whocanlask.aspx>

Adoption of the Model Publication Scheme commits an authority to:

- Using the Model Publication Scheme as its publication scheme, and accepting any updated to the MPS, without amendment
- Publishing the information, including environmental information, it holds which falls within the classes of information (see below).
- Ensuring that the way it publishes its information meets the Model Publication Scheme Principles (see below)
- Producing a Guide to Information which sets out the information the authority publishes through the Model Publication Scheme, how to access it, whether there is a charge for it and how to get help to access information
- Notifying the Scottish Information Commissioner that it has adopted the model scheme.

Guide to Information

An authority adopting this model scheme must produce a guide to the information it publishes through the Scheme. The authority can decide the format of its Guide to information.

The purpose of this guide to information is to:

- Allow the public to see what information is available and what is not available in relation to each class;
- State what charges may be applied ;
- Explain how to find the information easily;
- Provide contact details for enquiries and to get help with access to the information; and
- Explain how to request information that has not been published.

Notifying the Commissioner

Authorities adopting the Model Publication Scheme for the first time must notify the Commissioner that they have done so. Thereafter no further notification is required unless either:

- (i) The Commissioner has revoked approval (because the authority is not complying with the Model Publication Scheme) or
- (ii) The authority's legal status has changes (e.g. through a merger with another authority or a legal change of name).

The Commissioner will regularly review the Model Publication Scheme and update it from time to time, notifying authorities of any changes. The Commissioner will consult authorities before making any substantive changes.

The Commissioner will continue to monitor authorities' compliance with the Model Publication Scheme. As required, the Commissioner may contact individual authorities about practice issues (see the Commissioner's Enforcement Policy²)

Model Publication Scheme Principles

The following principles apply to all information published through the Model Publication Scheme by any authority.

Principle 1: Availability and formats

Information published through the Model Publication Scheme, should, wherever possible, be made available on the Authority's website.

There must be an alternative arrangement for people who cannot reasonably access the information either online or by inspection at the authority's premises. An authority may, for example, send out information in paper copy on request (although there may be a charge for doing so).

Principle 2: Exempt information

If information described by the classes of information (see below) cannot be published and is exempt under Scotland's Freedom of Information laws e.g. sensitive personal data or a trade secret, the authority may withhold the information or provide a redacted version for publication, but it must explain why it has done so.

Principle 3: Copyright and re-use

The authority's Guide to Information must include a copyright statement which is consistent with the fair dealing provisions of the Copyright, Designs and Patents Act 1988³. Where the authority does not hold the copyright information it publishes, this should be made clear.

Any conditions applied to the re-use of published information must be consistent with the Re-Use of Public Sector Information Regulations 2015⁴.

The Commissioner recommends that authorities adopt the Open Government Licence and/or the non-commercial Government Licence, produced by the National Archives⁵ for their published information.

Principle 4: Charges

The Guide to Information must contain a charging schedule, explaining any charges and how they will be calculated.

No charge may be made to view information on the authority's website or at its premises except where there is a fee set by other legislation, for example for access to some registers.

² www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/Briefings.aspx#procedures

³ www.legislation.gov.uk/ikga/1988/48/contents

⁴ www.legislation.gov.uk/ukso/2015/1415/contents/made

⁵ www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/uk-government-licensing-framework/

The authority may charge for computer discs, photocopying, postage and packing and other costs associated with supplying information. The charge must be no more than these elements actually cost the authority. There may be no further charges for information in Classes 1-7 below. An exception is made for commercial publications (see Class 8 below) where pricing may be made on market value.

Principle 5: Contact details

The authority must provide contact details for enquiries about any aspect of the Model Publication Scheme or Guide to Information.

The Act requires authorities to provide reasonable advice and assistance to anyone who wants to request information. This includes information which is not published through the Model Publication Scheme⁶. The authority's Guide to Information must provide contact details to access this help.

Principle 6: Duration

Once published through the Guide to Information, the information should be available for the current and previous two financial years. Where information has been updated or superseded, only the current version need be available (previous versions may be requested from the authority under Section 1(1) of FOISA).

⁶ Section 15 of the Freedom of Information (Scotland) Act 2002 and Regulation 9 of the Environmental Information (Scotland)(Regulations) 2004

THE CLASSES OF INFORMATION

	Class	Description
1.	About the authority	Information about the authority, who we are, where to find us, how to contact us, how we are managed and our external relations
2.	How we deliver our functions and services	Information about our work, our strategies and policies for delivering functions and services and information for our service users.
3.	How we take decisions and what we have decided	Information about the decisions we take, how we make decisions and how we involve others.
4.	What we spend and how we spend it	Information about or strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent)
5.	How we manage our human, physical and information resources	Information about how we manage the human, physical and information resources of the authority
6.	How we procure goods and services from external providers	Information about how we procure goods and services and our contracts with external providers
7.	How we are performing	Information about how we perform as an organisation and how well we deliver our functions and services
8.	Our commercial publications	Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g. bookshop, museum or research journal
9.	Our open data	Open data made available by the authority as described by the Scottish Government's Open Data Strategy and Resource Pack, available under an open licence.

