

Model Publication Scheme 2017

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Terms used

Term used	Explanation
FOISA	The Freedom of Information (Scotland) Act 2002
EIRs	The Environmental Information (Scotland) Regulations 2004
Model Publication Scheme	A standard framework for authorities to publish information under FOISA, approved by the Scottish Information Commissioner
MPS	The Model Publication Scheme
Guide to Information	A guide that every public authority adopting the MPS must produce to help people access the information it makes available
MPS Principles	The six key principles with which all information published under MPS must comply
Classes of information	Nine broad categories describing the types of information authorities must publish (if they hold it)
Notification form	The form the authority must submit to notify the Commissioner of its adoption of MPS

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:

- publish the classes of information that they make routinely available
- tell the public how to access the information 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.

Definition of “published” information

For the purposes of this MPS, to be “published”, information must be:

- i. already produced and prepared
- ii. available to anyone to access easily without having to make a request for it.

Research and information services which involve the commissioning of new information are not “publications”.

Adopting the single Model Publication Scheme 2014

Adoption of the MPS commits an authority to:

- i. using the MPS as its publication scheme, and accepting any updates to the MPS, without amendment
- ii. publishing the information, including environmental information, it holds which falls within the classes of information
- iii. ensuring that the way it publishes its information meets the MPS Principles
- iv. producing a Guide to Information which sets out:
 - a. the information the authority publishes through the MPS;
 - b. how to access it;
 - c. whether there is a charge for it; and
 - d. how to get help to access information
- v. notifying the Scottish Information Commissioner that it has adopted the MPS.

Where an authority fails to meet the above commitments, it cannot be considered to have adopted the Commissioner’s MPS and may be failing in its duty to adopt and maintain a publication scheme in line with section 23(1) of FOISA.

The Commissioner will regularly review the MPS.

The Commissioner will continue to monitor authorities’ compliance with the MPS.

MPS principles

Principle One: Availability and formats

Information published through the MPS 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, e.g., arrange to send out information in paper copy on request (there may be a charge for doing so).

Principle two: Exempt information

If information described by the classes of information 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 three: 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 1988. Where the authority does not hold the copyright in 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 2015.

The Commissioner recommends that authorities adopt the Open Government Licence and/or the non-commercial Government Licence, produced by the National Archives 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 e.g., for access to some registers.

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

Principle Five: Contact details

The authority must provide contact details for enquiries about any aspect the MPS 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 MPS. The authority's Guide to Information must provide contact details to access help.

Principle six: 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).

The Classes of Information

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 our functions and services and information for our service users.
3	How we take decisions and what we have decided	Information about our 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).
4	What we spend and how we spend it	Information about how we manage our human, physical and information resources.
5	How we manage our human, physical and information resources	Information about how we procure goods and services and our contracts with external providers.
6	How we procure goods and services from external providers	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.
7	How we are performing	The open data we make available as described by the Scottish Government's Open Data Strategy and Resource Pack, available under an open licence.
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	The open data we make available as described by the Scottish Government's Open Data Strategy and Resource Pack, available under an open licence.