

FREEDOM OF INFORMATION ACT 2000  
Preparing for Implementation

PUBLICATION SCHEMES  
GUIDANCE AND METHODOLOGY



April 2003



Freedom of Information



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**Note:** This is the printed version of the Publication Schemes Guidance and Methodology, as published on our website [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk) in February 2003.



# PUBLICATION SCHEMES GUIDANCE

## 1. PREFACE

- 1.1 This guidance is issued by the Information Commissioner under powers conferred upon him by section 47(2) of the Freedom of Information Act 2000 (the Act).
- 1.2 It is intended as initial guidance for public authorities who are under a duty to adopt and maintain a publication scheme under section 19 of the Act.
- 1.3 Publication schemes are a novel feature of the United Kingdom's legislation on access to information held by public authorities. Their purpose is to be a means by which a public authority can make a significant amount of information available routinely, without waiting for someone specifically to request it.
- 1.4 As publication schemes are new, all those involved in their development, including the Information Commissioner, will learn from the early experiences of their operation. This will be borne in mind by the Commissioner when considering the first publication schemes submitted to him for approval.
- 1.5 In many ways, although public authorities will be under a legal duty to publish information in accordance with their publication schemes, the success of these schemes will be best measured when the rights of individuals to request information which is not readily available through a publication scheme, under section 1 of the Act, are brought into force.

## 2. PUBLICATION SCHEMES – THE LEGAL REQUIREMENTS

### 2.1 Section 19 of the Act states as follows:

- (1) It shall be the duty of every public authority:
  - (a) to adopt and maintain a scheme which relates to the publication of information by the authority and is approved by the Commissioner (in this Act referred to as a "publication scheme");
  - (b) to publish information in accordance with its publication scheme; and
  - (c) from time to time to review its publication scheme.
- (2) A publication scheme must:
  - (a) specify classes of information which the public authority publishes or intends to publish;
  - (b) specify the manner in which information of each class is, or is intended to be, published; and
  - (c) specify whether the material is, or is intended to be, available to the public free of charge or on payment.
- (3) In adopting or reviewing a publication scheme, a public authority shall have regard to the public interest:
  - (a) in allowing public access to information held by the authority; and
  - (b) in the publication of reasons for decisions made by the authority.
- (4) A public authority shall publish its publication scheme in such manner as it thinks fit.
- (5) The Commissioner may, when approving a scheme, provide that his approval is to expire at the end of a specified period.

(6) Where the Commissioner has approved the publication scheme of any public authority, he may at any time give notice to the public authority revoking his approval of the scheme as from the end of the period of six months beginning with the day on which the notice is given.

(7) Where the Commissioner:

- (a) refuses to approve a proposed publication scheme; or
- (b) revokes his approval of a publication scheme,

he must give the public authority a statement of his reasons for doing so.

### **3. TIMETABLE FOR ADOPTING PUBLICATION SCHEMES**

**3.1** The Lord Chancellor announced in outline the timetable for a phased implementation of the Act on 13 November 2001. This provides for publication schemes to be brought into effect for England and Wales over a two-year period, as follows:

30 November 2002: Central government (except the Crown Prosecution Service and Serious Fraud Office), Parliament, National Assembly for Wales, non-departmental public bodies currently subject to the Code of Practice on Access to Information.

28 February 2003: Local government (except police authorities)

30 June 2003: Police, police authorities, Crown Prosecution Service, Serious Fraud Office, Armed Forces

31 October 2003: Health Service

29 February 2004: Schools, universities, remaining non-departmental public bodies and publicly owned companies as defined by the Act

30 June 2004: Remaining public authorities

**3.2** It has been agreed that the implementation of the Act in Northern Ireland will follow a similar timetable to that for England and Wales.

### **4. APPROVING PUBLICATION SCHEMES**

**4.1** All publication schemes have to be approved by the Information Commissioner under section 19(1)(a) of the Act. Under section 19(5) the Commissioner may, when approving a scheme, provide that her approval is to expire at the end of a specified period.

**4.2** In view of the novelty of publication schemes and the time that will elapse before they are fully tested by the introduction of the rights of those requesting information under section 1, the Commissioner intends to exercise his power to limit the first approval of publication schemes for all public authorities to a period of four years. However, the Commissioner reserves the right to set a shorter period, or extend the period beyond four years for particular publication schemes if appropriate.

## 5. SCHEME CONTENT

- 5.1** Decisions about what should go into a scheme demand a great deal of attention. As a starting point, authorities should consider whether to include everything that they have a legal duty to publish, information that they already publish, and information that they would currently readily disclose on request under current access to information regimes, e.g. the Code of Practice on Access to Government Information.
- 5.2** It is important to remember that a publication scheme is required to refer to classes of information, and there will be a requirement to publish everything that falls within those classes of information. As new pieces of information falling within one of those classes are created or otherwise become held by a public authority, the authority must publish them in accordance with their scheme.
- 5.3** Therefore a list of documents, although helpful as an element of a scheme, will not of itself be sufficient. Documents need to be grouped into classes of information so that everything that is produced falling within that class is automatically published under the scheme.
- 5.4** Publication schemes should be seen as a positive opportunity to gain greater recognition by publishing more information about what an authority does, how it contributes to public life and how people can do more to participate in or appreciate the benefits of its work. Organisations can seize this opportunity to promote themselves by including more and more information in their schemes over time. Where a public authority chooses to add new classes to those which are included in their approved publication scheme they will be required to inform the Commissioner.
- 5.5** As the culture of openness develops and becomes the norm, in the minds of both those creating information and those using it, publication schemes will become an essential feature in the management of all public authorities. Public authorities are under a legal duty to have regard to the public interest, both in allowing access to the information they hold and in the publication of reasons for decisions they make. The content of each authority's publication scheme should reflect that requirement.
- 5.6** Publication schemes will also develop in response to the requests for information that may not have been anticipated initially. The routine publication of more information is likely to lead to a reduction in the number of individual requests for specific pieces of information, due to the operation of the exemption under section 21 of the Act.
- 5.7** This is because, when the Act is fully in force, information which a public authority publishes routinely in accordance with its publication scheme may well be exempt information under section 21 of the Act. It is likely to be reasonably accessible to the applicant otherwise than under section 1.
- 5.8** Public authorities therefore have an additional incentive to include more information in their publication schemes as this will obviate the need to provide that information in response to a request under section 1. However, it would still be necessary for the authority to direct the requester to its publication scheme.
- 5.9** To maximise the benefit of these provisions, both for the authority and for the user, public authorities should ensure that their arrangements for handling requests for information include a means by which requests that lead to the disclosure of information also result in the inclusion of that information in the authority's publication scheme. In this way, publication schemes will develop to include material that is available under the Freedom of Information Act, even though its availability was not anticipated when the scheme was originally drawn up.
- 5.10** It would therefore be good practice for authorities to keep a log of requests made for information which is not included in their publication schemes, and to consider adding the class of information into which it falls as a new class to be covered by the scheme. The log itself could also fall into a class for publication under the scheme.
- 5.11** Public bodies are under a duty to keep their publication schemes under review (section 19(1)(c)) and may submit a revised publication scheme for approval at any time after the first approval. In the event that a public authority finds that it wishes to add a class to its scheme, it should inform the Commissioner of the additions. Where it wishes to delete a class from its publication scheme, the public authority must submit the changes to the Commissioner who will consider the application.

## 6. CLASSES OF INFORMATION

- 6.1 Section 19(2)(a) of the Act requires that a publication scheme **must** specify the classes of information which the public authority publishes or intends to publish.
- 6.2 Having considered the responses given to the Commissioner in the consultation exercise, the Commissioner does not intend to be prescriptive with regard to the description of classes of information published by an authority under its scheme.
- 6.3 It is important that the way in which classes of information are described have meaning both for those seeking to obtain information from the authority and those within the authority responsible for creating and managing information.
- 6.4 The classes used will therefore be those that are relevant to each particular authority or type of authority (e.g. local authority, NHS Trust). This will make it easier for a publication scheme to be used and operated.
- 6.5 It is important, however, that classes of information are not determined by authorities according to their own internal needs or historical filing systems, where these would not support the principle of "reasonable accessibility" for the purposes of the Act.
- 6.6 Public authorities might consider consultation with relevant users or user groups when identifying or developing classes of information for the purposes of their publication scheme.
- 6.7 Public bodies should not restrict the content of their publication schemes to information about the services they provide. They should also include information about their own internal structures, at least in outline, how their decision-making processes work and how key appointments are made. This will help the public understand how decisions are taken and will help to demonstrate that the public body has discharged its obligation under section 19(3)(b).
- 6.8 Some public authorities have expressed concern that broad descriptions of classes might include information which should be treated as exempt. To avoid this possibility, public authorities might then consider it necessary to exclude entire classes of information from their publication scheme because some small proportion of the information included in those classes might be exempt under the Act. The Commissioner would not support such a restrictive approach.
- 6.9 The Commissioner's view, which accords with that of the majority of respondents to the consultation exercise, is that a class of information covered by the publication scheme should be described in such a way that it excludes information which might be covered by an exemption. This would mean that the exempt information would never be published under the scheme. The requirement to publish information in accordance with the scheme can therefore be met by the public authority because the exempt information has never fallen within the ambit of the scheme.
- 6.10 Where a public authority adopts this approach, it should state clearly in the scheme that it is doing so. As a matter of good practice, a public authority that holds a great deal of information which it regards as being exempt should say so in its publication scheme, broadly outlining the nature of the exempt information it holds and the exemption which applies. This will give the public a more complete picture of all the information held by the authority, in line with the principles of openness and transparency which underpin the Act.



## **7. PUBLISHING THE SCHEME ITSELF AND THE INFORMATION IT COVERS**

- 7.1** Under section 19(4) every public authority is under a duty to publish its publication scheme as it sees fit. Many public authorities are already using the internet as a vehicle for publishing information about their organisation and the services they provide. This is welcome and is in accordance with e-government targets. Technology provides excellent and exciting opportunities for making information widely available to the public.
- 7.2** However, the Information Commissioner is very aware that there are many people who do not have access to the internet or who do not wish to use the internet to obtain information from public authorities. Their right to information under the Freedom of Information Act is no less than that of those who enjoy easy access to the World Wide Web. This point was emphasised by many respondents to our recent consultation exercise.
- 7.3** Section 19(4) concerns the manner in which public authorities publish their publication scheme, and in this they have wide discretion. Those involved in the Commissioner's pilot schemes have made good use of the internet as a means of publishing their schemes, as well as publishing the relevant information in accordance with their schemes.
- 7.4** The Commissioner's view is that it is good practice for public authorities to publish their publication schemes on the internet and there are clear advantages in doing so. However, this is not obligatory. Some public bodies required by the Freedom of Information Act to have a publication scheme will not have their own website.
- 7.5** In any event, public authorities should consider appropriate ways of publishing their schemes other than on the internet.
- 7.6** The requirement under section 19(1)(b) to publish information in accordance with the publication scheme is an absolute statutory requirement. This means that the Information Commissioner will be able to consider using his enforcement powers under section 52 of the Act if satisfied that a public authority has failed to comply with this requirement.



## PUBLICATION SCHEMES

# METHODOLOGY

### 1. INTRODUCTION

What is this document for?

- 1.1 This document is intended to aid public authority staff who are producing a publication scheme. It gives practical advice on how to construct a publication scheme. The aim is to provide suggestions which will help public authorities meet the legal requirements and recommendations set out in the Information Commissioner's Publication Schemes Guidance. It is intended to be complementary to the Guidance and to offer suggestions rather than recommendations.
- 1.2 The suggestions contained in this document are based on comments received in response to the Commissioner's consultation exercise on publication schemes held over the summer of 2001, feedback from the authorities that participated in the central government pilot publication schemes, and discussions with a wide variety of government departments and other public sector institutions.

### 2. FREEDOM OF INFORMATION ACT 2000

- 2.1 The Freedom of Information Act 2000 received Royal Assent on 30 November 2000. It gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. A "public authority" is defined in the Act, and includes but is not restricted to central and local government, non-departmental public bodies (NDPBs), the police, the health service and schools, colleges and universities. The general right of access to the information held by a public authority is provided for under section 1 of the Act. Any person wishing to exercise this right, which will not come into force until January 2005, will have to make a written request to the public authority. Any person who makes such a request must be informed whether the public authority holds that information and, subject to exemptions, supplied with that information.
- 2.2 However, the Act provides another mechanism for gaining access to information. Every public authority is required to adopt and maintain a publication scheme. A publication scheme is a guide detailing types of information which are to be made routinely available. This guide should provide the public with a simpler means of obtaining information and reduce the need for the public authority to respond to requests made under section 1.
- 2.3 A publication scheme must set out the classes of information contained within the scheme, the manner in which the information is intended to be published, and whether or not a charge will be made for the information. The purpose of a scheme is to ensure a significant amount of information is easily and routinely available. Schemes are intended to encourage organisations to publish more information proactively and to develop a greater culture of openness.
- 2.4 Once a public authority has prepared a scheme and approval for the scheme has been given by the Information Commissioner, the scheme is adopted by the public authority. On adopting a publication scheme the public authority is committed to making the information contained within the scheme routinely accessible, and to review the scheme periodically.

- 2.5 The duty to adopt a publication scheme is being phased in. Public authorities should consult the timetable given in appendix 1 to confirm the scheme active date that will apply to them. It is from this date that they will be required to make the information contained in their scheme available. In all cases this will be in advance of the general right of access to information under section 1 coming into force in January 2005.
- 2.6 The Act will be enforced by the Information Commissioner (the "Commissioner"), a post that combines regulation of both the Freedom of Information and Data Protection Acts. The Commissioner will be responsible for the approval of publication schemes. Schemes should be submitted by the approval deadline.

### 3. LEGAL FRAMEWORK

#### What is the legal framework for a publication scheme?

- 3.1 Section 19(2) of the Act sets out the requirements for a publication scheme as follows:

A publication scheme must:

- (a) specify classes of information that the public authority publishes or intends to publish;
- (b) specify the manner in which information of each class is, or is intended to be, published; and
- (c) specify whether the material is, or is intended to be, available to the public free of charge or on payment.

- 3.2 Section 19(3) states that "in adopting or reviewing a publication scheme, a public authority shall have regard to the public interest in allowing public access to information held by the authority and in the publication of reasons for decisions made by the public authority".

- 3.3 Section 19(1) provides that "it shall be the duty of every public authority to adopt and maintain a publication scheme, to publish information in accordance with its scheme and, from time to time, to review its publication scheme".

### 4. TERMINOLOGY

- 4.1 The terminology used when discussing publication schemes can be imprecise. When considering the rights of access to information under the Act, it is important to remember that the right relates to "information" rather than documents. This means authorities cannot simply consider whether a document as a whole is covered by an exemption, but must consider whether any part of the document is covered by one or more exemptions. Where parts of a document are not covered by an exemption, an authority must make such information available in response to a request for information under section 1(1) of the Act.
- 4.2 In practice, when considering publication schemes, authorities are likely to find it necessary to work with whole documents rather than with individual fragments of information. In order to identify information, reference is likely to be made to particular documents. Consequently, throughout this paper, the term "document" is used and should be taken to mean any single information source that an authority chooses to make available. It could be a text document, a spreadsheet, a photograph, etc. To "publish" information means simply to make it publicly available. This should not be interpreted as being limited to producing items in bound or printed form. A document stored electronically, downloaded via the Web or printed off and sent out has been "published" as far as this definition goes.

### 5. TOOLS

- 5.1 What can you use to guide you through the process?

The Commissioner's Guidance and Approval Documentation. The Guidance, originally written as a separate document, now precedes this paper and concerns matters of content and process. The Approval Documentation is based on the provisions of the Act. It is recognised that both documents will continue to be developed with experience.

## 5.2 The pilot schemes

The central government pilot schemes commenced in mid 2001 to inform the Commissioner's working on publication schemes guidance and advice. The five volunteers are all part of the central government sector and fall within the first phase of implementation. They are diverse in size and role and all five have taken valid approaches to the task of creating publication schemes.

The schemes themselves are available for inspection on the internet and demonstrate the variety of approaches that can be taken to creating a scheme.

- Department for International Development: [www.dfid.gov.uk](http://www.dfid.gov.uk)
- Health and Safety Executive: [www.hse.gov.uk](http://www.hse.gov.uk)
- Medicines Control Agency: [www.mca.gov.uk](http://www.mca.gov.uk)
- Ministry of Defence: [www.mod.uk](http://www.mod.uk)
- Public Record Office: [www.pro.gov.uk](http://www.pro.gov.uk)

5.3 The Information Commissioner's Office scheme illustrates one approach that is available to scheme coordinators – those schemes published by the pilot authorities are other, equally valid approaches.

5.4 Further advice is published on the Information Commissioner's website. The following papers may be of particular interest:

*Local Authority Pilots: Feedback & Observations*  
*Practical Guide: Part 1 "Classes"*

## 6. FORMAT

What will organisations be submitting for approval by the Information Commissioner?

- 6.1 Respondents to the Commissioner's consultation were clear that schemes should not be available solely on the internet; a paper version should be made available. Schemes should be presented to the Information Commissioner's Office for approval as a text document. Organisations may send a hard copy through the post to The Information Commissioner, FOI Section, or visit our website for instructions on how to submit an electronic version of their scheme. The scheme must clearly indicate the classes of information that are to be disclosed, and include a section which describes the formats in which these schemes will be available and whether/how charges will be applied. Further information regarding documentation for approval is available in the Approval Documentation booklet.
- 6.2 Some of the publication schemes published on the internet will provide direct access to some, if not all, the information being made available. However, the document submitted to the Commissioner's Office does not need to go down to this level of detail. It needs to identify clearly defined classes of information, rather than a list of all the documents falling within those classes. A distinction needs to be drawn between the scheme and the actual information published.
- 6.3 In most cases, it would be impractical for an initial publication scheme to provide a direct link to every document that it covers, even if the scheme operates on the internet. However, authorities do need to know which specific documents have been made available within their scheme, and where to locate them. At the very least, criteria should exist to enable identification of what is included or excluded. Subject to the approval of the Commissioner, it will be for authorities to decide the level of detail their schemes should go into. Due attention should be given to making it easy for the general public to understand what is included. The publication of clearly defined classes of information, complemented by clear internal procedures for supplying the information, will be more useful than comprehensive lists of specific documents.
- 6.4 Web access is not sufficiently universal to render it the sole means by which a scheme is delivered. Though a scheme may be intended to supply information primarily on the internet, a hard copy must exist for those who do not have Web access. The hard copy guide must explain how to access information, and procedures should be in place to facilitate requests for information by phone and mail. A hard copy guide does not need to replicate all of the Web content; it does not need to list every document in the scheme, but it should give a clear description of how the scheme is structured, and state where documents covered by the scheme can be accessed.

- 6.5** Due attention must be paid to making the scheme accessible to people with disabilities. The guide should be available to all who request it and, in normal circumstances, authorities should not charge users for copies of it. It may also be appropriate to have the hard copy scheme placed in, or distributed to, a range of outlets according to the nature of the authority, in order to demonstrate openness.

## **7. PERSONNEL AND PLANNING**

### **Who should be involved in drawing up the scheme?**

- 7.1** Public authorities need to identify key members of staff to produce and implement the publication scheme. Pilot organisations have discovered that a scheme coordinator solely allocated to the task can be an effective solution.
- 7.2** If your scheme is to be Web based and your intention is to provide access to documents via the internet, it would be wise to ensure early involvement of technical staff. Their early input will alleviate problems at a later stage. Clearly, using technology to access documents via the Web may be the most cost-effective and efficient option, but remember that the resources required to facilitate this option must be taken into account.
- 7.3** In order to manage successful implementation, a robust action plan, which clearly states objectives and timescales, should be formulated and approved at the appropriate managerial level. The management board should mandate the work of the project team and identify all stakeholders.
- 7.4** It is important to scope the project, primarily to decide the level of resources required. It may require one person or a team of people to prepare and maintain a scheme. Be prepared to make further staff available to the project if and when necessary. Publication schemes are not static and will require maintenance and revision. The largest concentration of effort will come at the beginning; therefore commitment of adequate resources is essential.
- 7.5** It is for public authorities to determine who are the most appropriate staff members to implement the project. Solid project management skills and a sound knowledge of the organisation and its culture are useful attributes in a scheme coordinator, as is the ability to communicate well with all levels of staff. Communication to all staff from senior management regarding the importance of the scheme is the mandate of the scheme coordinator, and the need for everyone's cooperation and assistance is vital to the success of the project.
- 7.6** There are two important aspects to developing a publication scheme:
- policy decisions with regard to content, i.e. decisions about how to reconcile the authority's work with the requirements of the Act and guidance coming from the Commissioner; and
  - practical decisions with regard to process, i.e. how the scheme should be structured, presented, delivered and maintained.

Good records management is the key to success and staff employed in this area should be involved from conception to ensure that appropriate systems exist to facilitate the scheme.

- 7.7** It is necessary for all staff within a public authority to be aware of the Freedom of Information Act and in particular the authority's publication scheme. In large authorities it may be pertinent to involve key "in-house" groups, such as:
- legal teams who can advise on issues related to the authority's responsibilities and the use of exemptions;
  - enquiries staff who already deal with requests for information; and
  - marketing staff, who will have knowledge of the authority's existing publications and ways of disseminating information.

## **8. CONSULTATION AND ANALYSIS**

### **8.1 What issues should be considered in devising the scheme?**

- Who are the regular users of the scheme likely to be?
- Who already makes enquiries to the authority, or who is likely to once the Act is in force?
- What do you already publish? Whether or not your organisation is well placed to conduct an information audit, it should be possible for a representative sample of an authority's staff to create a working list of current publications.
- Is there information that is not currently published which you would want to publish, or ought to publish in order to comply with the Act?

**8.2** It is necessary to determine which information is of most relevance to the people most likely to use the scheme. Conscious efforts should be made to identify all the information which is held, and what can be made available. Where possible, efforts should be made to canvass opinions from customers and users of the authority.

**8.3** In developing a meaningful publication scheme, you may wish to analyse enquiries which already come into the organisation. It would be wrong to make a scheme too specific, but a practical starting point is to address the concerns and needs of people who are already identifiable as requesting information. If user feedback is not already available, you may wish to consider what measures you can put in place to establish who your users are. This information will become increasingly important to you.

**8.4** In any event, as an absolute minimum, authorities should consider whether to include everything they currently publish or may be required to disclose. There will be benefits to the authority once your scheme is in place. A routine release of information will lessen the impact of sudden unforeseen increases in demand. The scheme can be a useful internal communication tool, promoting positive information about the organisation with streamlined information gathering and dissemination.

## **9. PLANNING AND AUDITING**

### **How might you decide what information is going to be made available?**

**9.1** In order to determine which documents should be included in a publication scheme an authority must be aware of the information it holds. Only when you know what information you have, and where to find it, can you begin to consider what information should be included in the scheme. An audit of information held throughout each public authority may therefore be required to ensure compliance with the Act.

**9.2** An individual's right to request information does not come into force until January 2005. However, work conducted in preparation for the development of publication schemes will be an essential component in ensuring an authority's ability to comply with the access requirements of the Act. Access to information under section 1(1) must, in the absence of applicable exemptions, be provided promptly and, in any event, no later than 20 working days from receipt of the request for information. Such time limits will not be met unless an authority is sure of the information it holds and where it can be found.

**9.3** An information audit will include identifying information already made available, which therefore should be contained within the publication scheme. It would also highlight any information presently not published, but which would be of public interest and could be disclosed. That should also be included in the scheme.

**9.4** The scheme can reflect not only the classes of information which are being published, but also a description of what else is held, but not proactively disclosed, and the reasons for those restrictions on publication.

**9.5** The criteria used for determining what should be included in this context ought to be biased towards maximum publication. However, this approach requires a lead time and may need to be heavily resourced.

## 10. THE CLASSES THEMSELVES

### What does a class of information look like?

- 10.1** The definition of “class” does not need to be technical. A publication scheme does not need to employ a rigid classification system. A class of information should be coherent, and the difference between one class and another should be easy to explain. What is of crucial importance is that the scheme includes a clear definition of the type of information made available under each class. It is also vital that the public authority operating the scheme is absolutely clear what it is committing itself to publishing.
- 10.2** There are numerous ways of approaching the issue of classes. No one approach fits all organisations. The Information Commissioner is not recommending any particular approach. Whatever approach is taken, the success of a class ultimately lies in whether members of the public will understand its meaning and the authority's staff are clear which information the class refers to. A uniform approach may limit this understanding. The class must be appropriate in context.
- 10.3** One approach is to use a series of classes that are types of document or pieces of information. Sometimes, these classes can be pitched at a high level, for example “external guidance” could be a class covering all guidance already produced by an authority for public consumption. This is possible, because the guidance is specifically produced for dissemination: there is never any issue of sensitivity. However, a scheme may also specify minutes from a particular series of meetings as an individual class, a very narrow area by comparison.
- 10.4** Aggregating, for example, management board minutes together with other types of minutes, or other types of information altogether, might make for a class that is too broad and difficult to quantify. Using broad classes and categories demonstrates a willingness to disclose all information covered by those classes and their definitions. Be sure you can meet that requirement.
- 10.5** The advantage of a large number of tightly defined classes is that it is easy to understand and control what is in the scheme. The disadvantage is that you need to provide a lot of detail. The greater the number of classes, the larger and more potentially complex the scheme will become. This option would need a clear structure and the inclusion of subject or function headings becomes far more important.
- 10.6** Smaller numbers of broad classes are potentially easier and quicker to create. A list of broad subject headings and a small number of classes may not require a conscious structure. Broad function or subject-based classes may effectively structure themselves. However, the disadvantage of this option is that it is harder to define what the limits of the scheme are. Users may interpret the scheme as having intended to disclose information that in reality, the organisation might legitimately feel obliged to withhold.
- 10.7** It follows from the above that narrow classes require a greater degree of work at the outset, while broad classes may lead to more work being necessary to maintain the scheme once it is in operation.
- 10.8** It is very important to take note of the Freedom of Information Act's statement that a scheme should contain classes of information that the authority publishes or intends to publish. A publication scheme which contains woolly intentions to publish at an unspecified date will not be helpful to the public, and may be unacceptable to the Commissioner. However, classes of information which commit the authority to publish information in a specified period, or which contain a deadline by which a class (or particular information within it) will be made available are likely to be legitimate.
- 10.9** Sensitivity is sometimes affected by time factors. Disclosure of information after it is no longer sensitive is encouraged. It will often contribute to satisfying the duty under section 19(3)(b) to have regard to the public interest in publishing reasons for decisions made by the authority, placing decisions in context, or allowing scrutiny once decisions have been made. When considering what information to include in classes, information which will become available in a realistic timeframe should be included, rather than excluded altogether because the information is, for a time, sensitive and covered by an exemption.



## **11. STRUCTURE**

### **How can the classes be organised?**

- 11.1** There is no recommended structure for the classes in a publication scheme. It might be possible for the scheme simply to list the classes that are to be made available, especially for small organisations where a limited amount of information is held. Larger authorities or agencies will have a multitude of functions, services and constituent parts, and therefore care should be taken to design the structure for ease of comprehension and navigation of the classes.
- 11.2** The classes reflect the content of the scheme. The structure reflects how they are presented on paper or on a website. The most important thing is to determine which information is to be made available, and define it clearly in your classes. A good structure should break the classes up into clear subject or function areas which can be interrogated in finer detail. The important thing to consider is whether grouping the information will make the classes easier to define and understand.

## **12. IMPLEMENTATION**

- 12.1** When attempting to populate the classes, working out what information and which documents are to be made available, it may be necessary to devise criteria as an explanation of what a class of information covers. Some contents will be self-evident (e.g. minutes of a specific meeting).
- 12.2** The most straightforward approach is probably to set out procedures explaining what the classes are. Scheme coordinators will need to give guidance to each department or area explaining how to examine the information they hold and the need to identify relevant documents and resources.
- 12.3** At this point a central list, relating the specified classes, titles and locations of individual documents will probably become necessary, if only for internal use. Without a clear understanding of what each class actually covers, it will be difficult to operate the scheme.
- 12.4** The internet may well be a useful means for organisations to publish a list of documents covered by the specified classes – the pilots all took this approach. However, due consideration must be given to those who will not have access to the website, and will seek access to the information through a telephone call, letter or visit to an office. In these situations “front-line” staff will require quick and easy access to all information covered in the scheme.
- 12.5** When classes and structure have been agreed, a document will be submitted to the Commissioner and examined by his staff. Each sector has a clear timetable for submission (see Appendix 1).
- 12.6** It is a legal requirement that an organisation will deliver the scheme described to the Commissioner, and he may test the authority’s operation of the scheme once it has been approved.

## 13. DELIVERY

- 13.1** While a comparatively small number of people may be involved in devising a scheme's structure and classes of information, the information will be sourced from across the organisation. It is therefore important that awareness of the Freedom of Information Act is raised throughout all public authorities and that all relevant staff understand the requirement and function of a publication scheme. Consulting widely as the scheme is being developed will help staff to know what is expected of them, but in reality, formal internal guidance may well be required to operate the scheme.
- 13.2** Defining classes of information clearly will assist staff as well as the public. Some of the pilots found it useful to prepare documents which explained the principles lying behind the scheme, the benefits for the authority, and how to identify the information they held that was covered by the scheme. This included advice on how to decide whether information should be disclosed, with a view to encouraging staff to think about information, in particular that which was genuinely withheld from publication and that which had simply not been disclosed before.
- 13.3** The scheme is effectively a series of publicly-made commitments approved by the Information Commissioner, which the authority will be legally obliged to fulfil. Public authorities need therefore to ensure that they have effectively explained what the scheme is for and how it works to all staff, especially those who hold and control the information to be published. Using intranets, staff newsletters and training sessions, for example, authorities will need to help their staff to understand what their responsibilities are.

## APPENDIX 1: PUBLICATION SCHEME APPROVAL SCHEDULE

Sector*	Submissions accepted	Final deadline	Scheme active
Central government, some NDPBs	1 July 2002	30 September 2002	30 November 2002
Local government	1 October 2002	31 December 2002	28 February 2003
Police and prosecuting bodies	1 February 2003	30 April 2003	30 June 2003
Health Service	1 June 2003	31 August 2003	31 October 2003
Education, remaining NDPBs, publicly owned companies	1 October 2003	31 December 2003	29 February 2004
Remaining public authorities	1 February 2004	30 April 2004	30 June 2004

\* For more detailed information concerning which bodies are included in these sectors see section 3 of our Publication Schemes Guidance, which precedes this paper.





Information Commissioner

Information Commissioner's Office  
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF  
Telephone: 01625 545700 Fax: 01625 524510  
Email: [data@dataprotection.gov.uk](mailto:data@dataprotection.gov.uk)  
Website: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

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