

---

<b>REPORT TO:</b>	<b>FINANCE &amp; MANAGEMENT</b>	<b>AGENDA ITEM: 14</b>
<b>DATE OF MEETING:</b>	<b>4<sup>th</sup> December 2008</b>	<b>CATEGORY: OPEN</b>
<b>REPORT FROM:</b>	<b>Director of Corporate Services</b>	
<b>MEMBERS' CONTACT POINT:</b>	<b>Nigel Glossop</b>	<b>DOC: FOIPubScheme</b>
<b>SUBJECT:</b>	<b>Freedom of Information Act 2000 Publication Scheme</b>	<b>REF:FOI</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF FM REFERENCE:</b>

---

## **1.0 Recommendations**

- 1.1 That the committee approves the Freedom of Information Publication Scheme as set out in Appendix A of this report.
- 1.2 That the committee delegates responsibility to the Freedom of Information Officer (i.e. the Head of IT and Business Improvement) to ensure that the Publication Scheme is kept up to date.

## **2.0 Purpose of Report**

- 2.1 Section 19 of the Freedom of Information Act 2000 requires each Local Authority to have a Publication Scheme. Legislation has been passed which will cause the Council's current Publication Scheme to expire on the 31<sup>st</sup> December 2008.
- 2.2 Therefore the South Derbyshire District Council Publication Scheme, as set out in Appendix A is required to be adopted by the Council.

## **3.0 Detail**

### **Background**

- 3.1 The Freedom of Information Act 2000 contains many legal obligations on councils and in section 19 of the Act is the requirement for all public authorities to adopt an approved Publication Scheme.
- 3.2 The intention of the Publication Scheme is to require Public Authorities to make certain kinds of information easily and routinely available to the public. This makes it easier for people to request information under the Freedom of Information Act 2000. The current publication scheme can be found on the Council's website at <http://www.south-derbys.gov.uk/CouncilGovernmentDemocracy/DataProtectionFreedomInformation>.
- 3.3 The Council's current publication scheme was adopted in January 2005. The approval of all Publication Schemes (i.e. all Councils not just South Derbyshire) expires on 31<sup>st</sup> December 2008. Subsequently there is a requirement that South

Derbyshire District Council adopts a new publication scheme by 1<sup>st</sup> January 2009.

- 3.4 Since the Freedom of Information Act was introduced in January 2005 up to 6<sup>th</sup> November 2008 the Council has received 269 requests for information,

### **Model Publication Scheme**

- 3.5 The Information Commissioner's Office (ICO) has a stated aim of encouraging maximum disclosure by public authorities, but also to reduce the burden on public authorities. To assist public authorities, the ICO has approved a model scheme that is suitable for all councils to adopt and this format has therefore been used when drawing up our publication scheme.
- 3.6 The Model Publication Scheme is made up of three areas; a Guide to Information, a Sector Specific Manual and the Publication Scheme itself.
- 3.7 The Council's website is used as the Guide to Information, it explains the Council's services and provides an up to date easily accessible source of information about the Council. The Council's Fees and Charges document, which is on the website, explains our current charges.
- 3.8 The ICO has provided guidance through a Sector Specific Manual, which strongly indicates the minimum information the ICO would expect councils to make available (unless we don't hold that particular information). The Sector Specific Manual has been used in producing the Council's Publication Scheme.
- 3.9 The Model Publication Scheme sets out seven classes which information will fall under, from which we cannot deviate. These are as follows:
- Who we are and what we do
  - What we spend and how we spend it
  - What our priorities are and how we are doing
  - How we make decisions
  - Our policies and procedures
  - Lists and registers
  - Services provided by the Council
- 3.10 The majority of the information required to be readily available is already on the Council's website and so the Publication Scheme is simply defining the information the public can easily obtain.

### **Review**

- 3.11 As time progresses the publication scheme will need to be kept up to date on a regular basis. For example changes will be required with the introduction of the new website and the introduction of the minutes and agendas system. This will be delegated to the Freedom of Information Officer (i.e. the Head of IT and Business Improvement).
- 3.12 Any major changes required to the Publication Scheme will be taken to the Finance and Management committee.

## **4.0 Financial Implications**

- 4.1 The Council may charge requestors for information specified within the Publication Scheme. If the information is not specified then the Council cannot charge administration costs unless they exceed £450. The Publication Scheme must make

it clear whether a charge is to be made for information.

- 4.2 Since the Freedom of Information Act was introduced in January 2000 it should be noted that no charges have been made to any requestors.

## **5.0 Corporate Implications**

- 5.1 The Council will be in breach of the Freedom of Information Act if no publication scheme is adopted by the 1<sup>st</sup> January 2009 with the consequent damage to the Council's reputation.

## **6.0 Community Implications**

- 6.1 None.

## **7.0 Background Papers**

- 7.1 Further information about the Freedom of Information act is available on our website at [www.south-derbys.gov.uk](http://www.south-derbys.gov.uk) and at the Information Commissioners Office website at [www.ico.gov.uk](http://www.ico.gov.uk).