# Holton Parish Council

# Model Publication Scheme (ICO Model)

Including:

Information available under the Publication Scheme

and

Accessing information not published under the scheme

(Freedom of information Requests)

- How to submit requests
- How the Council will respond
  - Exemptions
- Vexatious/Repeat requests
  - Fees
- Complaints

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Information Commissioner's Office

# Freedom of Information Act 2000

# Guide to Information provided by Parish/Community Councils under the model publication scheme

This template guide is written for the use of Parish and Community Councils.

It gives examples of the kind of information the Information Commissioner's Office (ICO) would expect you to provide in order to meet your commitment under the model publication scheme, introduced through the Freedom of Information Act 2000 (FOIA). In 2008, the ICO introduced a generic model publication scheme, for adoption by all public authorities that are subject to FOIA.

The model publication scheme commits you to 'produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public'.

The model publication scheme is available on the ICO website. Further details are available in ICO guidance: Using the definition documents.

You must adopt the model scheme in full, unedited and promoted alongside the guide to information. You do not need to tell the ICO that you have adopted the scheme; we will assume they have done so unless we hear otherwise.

You are in breach of FOIA if you have not adopted the model scheme or are not publishing in accordance with it.

**Information included in the guide to information**

The template lists the information that the ICO thinks you are likely to hold and should make proactively available within each class. When completed, this will provide a list of all the information you will routinely make available, explain how it can be accessed and whether or not a charge will be made for it. You must:

- complete the relevant columns in the template guide;

- state how an applicant can obtain the specific information and if there is a cost involved;
- ensure the public can access the completed guide and the information listed in it.

The ICO expects you to make the information in this template guide available unless:

- you do not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited by another statute (eg UK GDPR);
- the information is readily and publicly available from an external website; such information may have been provided 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 the information is only held by another public authority, you should provide details of where to obtain it.

This guidance is not meant to give an exhaustive or definitive 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 guidance now incorporates those key principles, which were not already included, from the Department for Levelling Up, Housing and Communities (DLUHC, originally known as the Department for Communities and Local Government [DCLG]), Transparency Code for Smaller Authorities. The aligning of this document with this Code provides a harmonised approach to data transparency for you and avoids unnecessary duplication

**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".

**Fees and Charging**

Information available through your publication scheme should be readily available at a low cost or at no cost to the public. If you do charge for this information, the ICO expects the charges to be justifiable, clear and kept to a minimum.

You can charge for activities such as printing, photocopying and postage as well as information that you are legally authorised to charge for. You must inform anyone requesting information of any charge before you provide the information. You must ask for payment before providing the information. Guidance on the ICO website provides more details about charging for information in a publication scheme.

If you charge a fee for licensing the re-use of datasets, you should state in the guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. You cannot charge a re-use fee if they make the datasets available for re-use under the Open Government Licence.

**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.

## Information available from Holton Parish Council under the Model Publication Scheme

| Information | Location | Cost |
|---|---|---|
| **Class 1: Who we are and what we do:**<br>Names of Parish Councillors<br>Contact details of Councillors and clerk | Website - Home page | Free |
| **Class 2: What we spend and how we spend it:**<br>Annual Governance and Accountability Return<br>Internal/External Auditors Reports<br>End of Year reconciliations<br>Significant variance report<br>Budget / Precept<br>Notice of Public Right to Inspect<br>Financial procedures / regulations | Website – Parish Council Reports and Documents page<br>Documents | Free |
| All expenditure over £100 | Website – Parish Council Reports and Documents page<br>Documents | Free |
| List of current contracts awarded and value | N/A | N/A |
| **Class 3: What are our priorities and how we are doing:**<br>Annual Parish Meeting<br>Parish Council meeting minutes | Website –Parish Council Reports and Documents page<br>Proceedings | Free |
| **Class 4: How we make decisions:**<br>Parish Council meeting agendas and minutes<br>Planning application responses<br>Timetable of meetings | Website – Parish Council Reports and Documents page<br>Proceedings<br><br>Website | Free |

| | | |
|---|---|---|
| **Class 5: Policies and Procedures:**<br>Including but not limited to:<br>• Standing Orders<br>• Code of Conduct<br>• Financial Procedures / regulations<br>• GDPR policy<br><br>• Financial & Management Risk Assessment | Website – Parish Council Policies and Regulations Page<br><br>Website – Parish Council Reports and Documents Page | Free<br><br>Free |
| **Class 6: Lists and registers:**<br>Asset register<br><br>Register of Members Interest | Website – Parish Council Reports and Documents Page<br><br>Website – Home page | Free |
| **Class 7: The services we offer:**<br>N/A | N/A | N/A |

## Accessing information not included within the Model Publication Scheme

Information held by Holton Parish Council that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act (FOIA)

Written requests must include your real name and be submitted to the Clerk at:
clerk@holtonparishcouncil.gov.uk
Holton Parish Council, c/o 2 Milldown, Holton, Halesworth, Suffolk IP19 8PE

## Council's Response to written request

Your request will be recorded in FOI register and we will respond within 20 working days to:

- Confirm to you whether it holds the information.
- Advise you if a fee will be charged.
- Provide you with the information (after any relevant fee has been paid) unless it is assessed to be a vexatious/repeat request or be subject to an exemption.

Responses will be in accordance with the Freedom of Information Act 2000 as set out in guidance provided by Information Commissioner's Office, which is available at: Guide to freedom of information / ICO.

## Exempt information

The FOIA provides for the exemption of some information from disclosure, for example, if it would be harmful to another person. We will inform you if an exemption applies to the information you are requesting.

## Vexatious or repeated requests

Holton Parish Council is committed to openness and transparency, however, responding to vexatious and/or habitual requests can be both time consuming and wasteful of our limited resources. Therefore, these will be assessed and responded to accordingly.

## Fees

Disbursement costs:
Website: free of charge
Email & attachments: free of charge
Printing or photocopy of up to 5 A4 pages provided free, additional pages at 10p per page
Postage (if required) will be charged at cost
Staff Costs:
A charge of £25 per hour will be implemented should the estimated staff costs involved in locating and/or compiling the requested information exceed £50.
An estimate of all charges to be implemented will be provided in advance and for agreement prior to any work commencing.