

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Council Meeting: 25 March 2009

Subject: Freedom of Information (Scotland) Act 2002 – Adoption of Model Publication Scheme

1. Purpose

- 1.1** The purpose of this report is to request Council approval of the West Dunbartonshire Council model publication scheme for submission to the Office of the Scottish Information Commissioner (OISC) by 4 April 2009. A copy of the model publication scheme for West Dunbartonshire Council forms Appendix 1 to this report.
- 1.2** The purpose of this report is also to request a decision by Council on a charging scheme for information requested under the Freedom of Information (Scotland) Act 2002 and Environmental Information (Scotland) Regulations 2004. Documentation about Freedom of Information charging schemes are attached as appendices 2 and 3 to this report.

2. Background

- 2.1** A publication scheme is a comprehensive list of all information that West Dunbartonshire Council publishes. It details the information that West Dunbartonshire Council makes available to the public as a matter of course, where the information can be found and whether there is a charge for providing the information.
- 2.2** All local authorities are required, under section 23(1) of the Freedom of Information (Scotland) Act 2002, to produce and maintain a Publication Scheme.
- 2.3** The current West Dunbartonshire Council scheme was approved by the OISC in 2005. West Dunbartonshire Council's current scheme expires on 1 June 2009 and an up to date scheme must be submitted for approval by 4 April 2009.
- 2.4** In order for the West Dunbartonshire Council Publication Scheme to be approved and submitted to the OISC, a charging scheme for Freedom of Information requests and for Environmental Information (Scotland) Regulations 2004 requests must also be approved by Council.
- 2.5** The Publication scheme requires approval by Council before submission to the OISC.

- 2.6** The scheme requires approval by Council on 25 March 2009 so that the scheme can be submitted for approval to the OISC by the 4 April 2009 deadline.

3. Main Issues

- 3.1** Local authorities may submit either a Local Authority Model Publication Scheme or a bespoke publication scheme or to the OISC for approval.
- 3.2** The Local Authority Model Publication Scheme was based on a generic template provided by the OISC and subsequently developed by a working group consisting of input from several local authorities. The Local Authority Model Publication Scheme was approved by the Scottish Information Commissioner on 28 November 2008 for use by local authorities.
- 3.3** The Local Authority Model Publication Scheme must be adopted in its entirety by the OISC, except for specific elements which may be amended to reflect local detail. Most content is fixed and amendment of any of this content will create a bespoke scheme. A bespoke publication scheme will be more carefully scrutinised by the OISC for approval than a scheme based on the Local Authority Model Publication Scheme.
- 3.4** The Local Authority Model Publication Scheme is a standard scheme for classifying information based on the Scottish Navigation List (SNL). SNL is a standard classification system which was developed in October 2006 by Scottish local authorities in partnership with the Improvement Service. SNL provides a strategic framework to help Councils manage their information in a joined up way and has a range of applications. As well as driving the structure of the Local Authority Model Publication Scheme, SNL is being adopted by an increasing number of Councils as the framework for their website. It was used as the basis for the revamping the West Dunbartonshire Council website in 2008.
- 3.5** The approved model publication scheme will be uploaded onto the West Dunbartonshire Council web pages. The similarity of the structure of the West Dunbartonshire Council website with that of the information classes in the Local Authority Model Publication Scheme ensures easier, quicker and more effective use of hyperlinks and the internet. The scheme allows people to obtain information quickly and at no cost.
- 3.6** The publication scheme will also be made available in hardcopy format at Council libraries and Council office reception areas. 200 hardcopies of the Publication Scheme will be made available for both distribution and viewing to the public.
- 3.7** The current Freedom of Information charging scheme was approved in 2005. At that time Council decided not to charge for information requested under the Freedom of Information (Scotland) Act 2002 (except for a few specific documents whose costs were described in the Publication Scheme). However when a charge for a specific document was not outlined in the Publication

Scheme and the estimated cost for providing a request exceeded £600, the applicant could either be charged, or the request refused on the basis of cost.

- 3.8** West Dunbartonshire Council currently has no charging scheme for information requested under Environmental Information (Scotland) Regulations 2004.
- 3.9** The OISC has developed a recommended charging policy for information requested as part of the 2009 model publication scheme template. It recommends that there be no charge for information requested under Freedom of Information (Scotland) Act 2002 and Environmental Information (Scotland) Regulations 2004 which cost £100 or less to process. Where providing information costs between £100 and £600, the applicant may be asked to pay 10% of the cost. In addition, the Council would not be obliged to respond to requests which cost over £600 to produce.
- 3.10** In June 2008 the Freedom of Information Network Group carried out a survey of all Scottish Local Authorities and the cost charges they made for Freedom of Information requests. The majority of local authorities who responded found that it was not cost effective to charge for Freedom of Information requests. This survey is included in Appendix 3.

4. Personnel Issues

- 4.1** There are no personnel issues arising from adoption of the model publication scheme. The inclusion of hyperlinks making information easily obtainable should reduce pressures on staff who, otherwise, would have had to find, copy and issue the information either electronically or in hard copy.
- 4.2** Since 2005 the number of Freedom of Information requests to West Dunbartonshire Council has significantly increased. In 2007 the number of Freedom requests received by Legal, Administrative and Regulatory Services was 277 requests. In 2008 the number of requests had increased to 328. Currently, collecting information and responding to requests is time consuming for staff.
- 4.3** If West Dunbartonshire Council were to charge for Freedom of Information requests, then collecting information for invoices and processing invoices would be costly and time consuming for staff.
- 4.4** No Council wide statistics have been recorded for the number of information requests made under Environmental Information (Scotland) Regulations 2004.

5. Financial Implications

- 5.1** There will be a printing cost associated with the printing of hard copies of the scheme for distribution. This can be met from existing budgets.
- 5.1** Collecting information and responding to Freedom of Information requests is costly in staff time and resources.

5.2 If West Dunbartonshire Council were to charge for Freedom of Information requests, then collecting information for invoices and processing invoices would be costly and time consuming.

6. Risk Analysis

6.1 The adoption of the model publication scheme ensures that the Council complies with the relevant legislation. Submitting the model scheme within deadlines will streamline its approval by OISC.

7. Conclusions

7.1 The publication scheme will ensure West Dunbartonshire Council is compliant with section 23(1) of the Freedom of Information (Scotland) Act 2002. It will assist customers with making Freedom of Information requests more quickly and more easily.

8. Recommendations

8.1 It is recommended:

- (a) That Council adopt the Publication Scheme comprising Appendix 1 to this report, and
- (b) That Council decide on whether or not to adopt the OISC recommended charging policy, an alternative policy or to continue not to charge in the meantime.

Joyce White, Executive Director of Corporate Services

**Background Papers: Background Paper 1 - West Dunbartonshire Council
Publication Scheme Introduction, May 2005
Background Paper 2 - West Dunbartonshire Council
Publication Scheme Classes of Information, May 2005**

**Appendices: Appendix 1 – Proposed Model Publication Scheme
Appendix 2 – Current and Proposed Charging Schemes
Appendix 3 – Survey of the Freedom of Information Network
Group**

Wards Affected: All wards

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