

Freedom of Information (Scotland) Act 2002

Model Publication Scheme for Scottish Higher Education Institutions

1. Introduction

This document is the Model Publication Scheme (MPS) for Scottish Higher Education Institutions (HEIs) which has been developed by Universities Scotland. This MPS was approved by the Scottish Information Commissioner ('the Commissioner') on 25 March 2004.

2. The Legal Background

The Freedom of Information (Scotland) Act 2002 ('the Act') requires Scottish Public Authorities (SPAs) to adopt and maintain a **publication scheme**, and to publish information in accordance with that scheme (S 23). The scheme must specify: (a) the classes of information which the authority publishes or intends to publish, (b) the manner in which information of each class is, or is intended to be, published; and (c) whether the published information is, or is intended to be, available to the public free of charge or on payment. The Act also allows the Commissioner to prepare or approve model publication schemes for classes of SPAs (S 24). Where an Authority adopts an approved MPS without modification, no further approval of the Commissioner is required so long as that model scheme remains approved; but the approval of the Commissioner is required in relation to any modification of the scheme by an authority.

3. The Publication Scheme

This MPS has been compiled by Universities Scotland with regard to the public interest in allowing public access to information relating to the provision of services by HEIs, the cost of providing them, the standards attained, and the reasons for decisions made by them.

The MPS consists of an introductory section, for general information about the HEI and its publication scheme, and the main part of the MPS consisting of 17 main groups, each of which has several classes of information. The groups are in a logical order and no one single group has a higher status than another does. Each **class** has a **class name** and a **class definition**. It is the class to which the legal commitment to publish information is made. The types of information and documents listed in the Examples/Comments column are there only to provide further guidance to the HEI, and are themselves not mandatory, although HEIs adopting this MPS must publish any information not otherwise exempt under the Act which meets the class definition (see 8, below).

Each HEI will have to decide what information it has which is subject to the MPS. HEIs are expected to interpret the classes (and the guidance in the Examples/Comments column) in the light of their own local circumstances. (For example, information should

not be excluded because of differences in terminology.) In particular, the level of detail required has to be a matter for local decisions in the light of individual institutional circumstances - it is quite clearly impossible to specify what is appropriate for all institutions in a sectoral MPS.

Where an HEI wishes to add additional classes to the MPS, or introduce new charges for information in the scheme, it must submit an amended version of the scheme to the Commissioner for approval. An HEI may not remove any class without the Commissioner's approval. (Where, exceptionally, a class is not relevant to an individual HEI it should explain clearly in its publication scheme why this is the case.) In deciding whether to add or remove classes to the MPS, HEIs must have regard to the public interest in allowing public access to information relating to the provision of services by the HEI, the cost of providing them, the standards attained, and the reasons for decisions made by them.

The MPS applies only to information recorded or amended after the date the HEI adopts the MPS, unless otherwise stated in relation to a particular class or classes. However HEIs are encouraged to publish information recorded or amended before the date of adoption where they judge it in the public interest to do so e.g. statistical, factual or analytical information which relates to current policy decisions or services. In this context HEIs are reminded that the Act is fully retrospective and hence that material omitted from the publication scheme because of the date of recording or amendment is nevertheless covered from 1 January 2005 by the individual rights of access in S 1(1).

4. Publicly-Owned Companies

The Act also covers publicly-owned companies (S 6). Any company which is wholly-owned by a Scottish Public Authority is **itself** a public authority for the purposes of the Act. This means *inter alia* that such companies will themselves have to adopt and maintain a publication scheme, and to publish information in accordance with that scheme. This MPS does **not** cover such companies, because of the variety of their functions and purposes, although it does require institutions to publish information about their relationship with such companies. Publicly-owned companies in the HE sector may nevertheless find parts of this MPS a useful starting point for their own publications scheme.

5. Main categories of information in the MPS

The main categories are:

1	GENERAL INFORMATION
2	ACCESS TO INFORMATION
3	GOVERNANCE
4	FINANCIAL RESOURCES
5	CORPORATE PLANNING
6	PROCUREMENT
7	MANAGEMENT OF RESEARCH
8	COMMERCIALISATION AND KNOWLEDGE TRANSFER
9	HUMAN RESOURCES
10	PHYSICAL RESOURCES
11	HEALTH AND SAFETY
12	SUPPORT FOR DISABLED PEOPLE
13	STUDENT ADMINISTRATION AND SUPPORT
14	TEACHING QUALITY
15	INFORMATION SERVICES
16	EXTERNAL AND COMMUNITY RELATIONS
17	GOVERNMENT AND REGULATOR RELATIONS

THE COLUMNS/...

THE COLUMNS USED IN THIS MODEL PUBLICATION SCHEME ARE SHOWN BELOW

Column	Description
Class Name	Short name of the class of information
Class Definition	What type of information is covered by the class
Examples/Comments	Examples and comments to aid both the institution and the public to understand what type of information is covered by the class.
Manner	The media in which the information is to be provided e.g. on paper or electronically (via the Internet or email).
Fee	Whether there is a charge for any of the information within each class.
Exemptions	Details of any possible exemptions which the institution may claim in respect of this class

6. Manner of Publication

Information will normally be published on the HEI's web site, but the Commissioner has indicated that information which was solely available through a web site would generally not satisfy the Act's requirements and HEIs should therefore make information available in a variety of formats wherever possible. Each HEI should therefore provide contact information for those wishing material in hard copy, or in some other format to meet the accessibility requirements of the Disability Discrimination Act. In cases where material is only available by inspection on the HEI's premises (e.g. because the material is too costly or difficult to produce in hard copy or electronic format, or is subject to conservation requirements) the HEI's scheme should state clearly the access arrangements.

7. Fees

HEIs are free to set their own charges (subject to existing legislation), although the Commissioner has indicated his desire that authorities will provide as much information as possible free of charge.

- In cases where HEIs currently charge for information which is being made available through the publication scheme, and where the cost of providing such information is significant, institutions may continue to charge in line with existing practices. Charges may also be made for new information which falls within one of the classes in the publication scheme, and where the cost of producing it is significant, on a similar basis to existing charges.

- Information in an HEI's publication scheme provided through its web site should be available without charge.

- HEIs may charge for hard copies of material published through their web sites, but such charges should not exceed the reprographics and postage and packaging costs. Institutions should publish their scale of charges for hard copies. Where the amount of material requested in hard copy is small HEIs are encouraged to waive charges.

- charges for material produced in other formats to meet the accessibility requirements under the Disability Discrimination Act should not exceed the charge which the institution would have levied for photocopies (or standard reprographics charges for other media) as set out in the previous subsection.

8. Exemptions

The legal requirement under the Act to publish information applies to ALL recorded information meeting the class definition. Where an institution believes that some information meeting the class definition will be subject to one of the exemptions in the Act, decides that it wishes to make use of that exemption having considered the public interest test, and hence decides not to include the information in its publication scheme it should specify in the Exemptions column for that particular class what information is being excluded from its publication scheme on that basis. (Personal data and information, which substantially prejudices the commercial operations of an institution, are two examples.) Institutions are reminded that such information will still be subject to the individual S 1 rights of access in the Act, which come into force on 1 January 2005. Any such requests received will have to be considered individually and cannot be refused on the basis that the institution has already decided when designing its publication scheme that this information is likely to be exempt.

9. Publication Timescale

In some of the Classes covered by this Model Publication Scheme, information is not published in accordance with this Model Publication Scheme until it is formally approved, a process which may take some time after its initial creation in draft form. This applies especially to minutes of meetings, which are normally not available until approved by the next meeting in the sequence. The relevant timescales are published in the same locations and in the same form that the information will ultimately be published.