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**PUBLICATION SCHEME – THE FREEDOM OF INFORMATION ACT 2000**

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**Responsible Cabinet Member – Councillor Stephen Harker, Resources Portfolio**

**Responsible Director – Paul Wildsmith, Director of Corporate Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To seek approval for the revised, draft Publication Scheme which is a statutory document required by the Freedom of Information Act 2000.

**Summary**

2. The Council's existing Publication Scheme has been in place since 2002 and needs to be revised in light of:-
  - (a) Our statutory duty to review and republish the Council Publication Scheme by January 2009;
  - (b) Council website developments since that date; and
  - (c) Recommendations from the Information Commissioner's Office (ICO).

**Recommendation**

3. It is recommended that the Council adopts and publishes the model Publication Scheme provided by the ICO and links the Scheme to the Council's website A-Z directory.

**Reasons**

4. The Publication Scheme needs to be reviewed and republished, in line with the ICO's recommendations, to maintain compliance with the Freedom of Information Act 2000.

**Paul Wildsmith  
Director of Corporate Services**

**Background Papers**

[Information Commissioner's Office - Guidance on the Model Publication Scheme.](#)

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S17 Crime and Disorder	This report has no implications for crime and disorder.
Health and Well Being	There is no specific health and well-being impact.
Sustainability	There is no specific sustainability impact.
Diversity	There is no specific diversity impact.
Wards Affected	All wards are affected equally.
Groups Affected	All groups are affected equally.
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework.
Key Decision	This is a key decision and as such has been reported on the forward plan.
Urgent Decision	For the purpose of the "call-in" procedure this does not represent an urgent matter.
One Darlington: Perfectly Placed	There is no specific relevance to the strategy beyond improving public access to information.

## MAIN REPORT

### Information and Analysis

5. The Freedom of Information Act 2000 has been enforceable since January 2005 and applies to all public authorities, including local government. Its aim is to ensure that decision-making is open and accountable. The two obligations of the Act are:
  - (a) To publish a guide for the public listing the types of information the Council currently publishes and how it can be obtained (a Publication Scheme); and
  - (b) To provide access to information not included in the Publication Scheme (Freedom of Information requests), subject to exemptions, which the Council has a statutory duty to respond to within 20 working days.
6. The Publication Scheme sets out the kinds of information the Council should make routinely available and helps the citizens to access that information, either electronically (i.e. via a website) or physically (i.e. in person or in writing). As such, the Scheme is an important document as it helps the Council to manage the number of individual requests received from the public by providing citizens with a direct access route to all the information routinely published thereby minimising their need to make an individual request. Therefore as the Council makes more information routinely available fewer individual requests will need to be dealt with.
7. The Scheme must:
  - (a) Specify the classes of information which the authority publishes or intends to publish;
  - (b) Specify the method in which the information of each class is, or is intended to be, published; and
  - (c) Specify whether the information is, or is intended to be, available to the public free of charge or on payment.
8. The Council's existing Publication Scheme was submitted to the ICO by the statutory deadline of 31<sup>st</sup> December 2002 following approval by Cabinet in November 2002 (minute C135/Nov/02 refers). The Scheme now needs to be revised in light of:
  - (a) The Council's statutory duty to review and republish the Council Publication Scheme by January 2009;
  - (b) Local authority website developments since that date; and
  - (c) Recommendations from the ICO (see paragraph 9 below).
9. The ICO recommends that public authorities apply a model Publication Scheme (see Appendix A) developed by the ICO as a means of reducing duplication and bureaucracy and to ensure consistency in the release of information. The model Scheme classifies information at a high level and broadly states the way authorities can provide information and what they can charge. This model Scheme can be adopted without further consultation with or approval from the ICO.

10. Since 2002, the ICO has also recognised that the local authority website is the core directory of the Council's routinely published information by, either providing direct access to information, or by sign-posting citizens to the appropriate service that can provide that information. The ICO has approved publishing the model Scheme onto the Council's website and linking it to the website's A-Z directory. It is proposed that the model Scheme will be uploaded onto the Freedom of Information pages of the Council website, linking to the home page of the A-Z directory and advising website users to use the directory to locate the information they are looking for or sign-post them to either the Web Team or the Corporate Information Governance Team for further advice. As new information is published onto the website, the software supporting the A-Z will pick this up, thereby providing an automatic means of updating the information that falls within the classes of the Scheme and maintaining it in the most efficient and cost effective way.

### **Outcome of Consultation**

11. The ICO consulted with all public authorities across the county throughout 2007 prior to the release of the model scheme and approved adoption of the approach outlined above.