

ITEM 2.4: FREEDOM OF INFORMATION**Purpose**

1. To advise that the Council has been added to the list of Scottish Public Authorities to whom the Freedom of Information (Scotland) Act 2002 applies and to seek members' approval of the adoption of the Model Publication Scheme 2013.

Discussion

2. The Scottish Civil Justice Council is subject to the provisions of the Freedom of Information (Scotland) Act 2002 ("the Act"), being a public authority listed at part 7 of Schedule 1 of the Act.¹
3. The Scottish Information Commissioner has produced and approved a single Model Publication Scheme for use by public authorities. It is suitable for adoption by any authority listed in Parts 3, 5, and 6 of Schedule 1 of the Act.
4. The single Model Publication Scheme can be adopted only in its entirety, without amendment. It commits an authority to:
 - publish the classes of information that they make routinely available
 - tell the public how to access the information and whether information is available free of charge or on payment.
5. An authority adopting the model scheme must produce a guide to the information it publishes through the scheme. The authority can decide the format of its Guide to Information, however the guide must:
 - allow the public to see what information is available (and what is not available) in relation to each class;
 - state what charges may be applied;
 - explain how to find the information easily;

¹ The [Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2013](#) (SSI 2013/226) inserts the Scottish Civil Justice Council and the Criminal Courts Rules Council within Schedule 1 to the Act, with the effect that those bodies were required to comply with the Act from 28 May 2013.

- provide contact details for enquiries and to get help with access to the information; and
 - explain how to request information that has not been published.
6. Should the Council wish to adopt the Model Publication Scheme, it must:
- decide to adopt the Scottish Information Commissioner's Model Publication Scheme 2013;
 - publish all the information it holds which falls within the class descriptions of the model scheme;
 - make alternative access arrangements for people who do not use the internet and for people who cannot inspect the information at the authority's premises;
 - prepare a charging schedule;
 - prepare and publish a Guide to Information available through the scheme and make sure it is easy to find and use;
 - inform the public that the model scheme has been adopted and the Guide to Information is available;
 - brief staff throughout the organisation about the scheme and Guide to Information;
 - make arrangements for regular review and maintenance of the Guide to Information for the duration of the approval period of the model scheme; and
 - notify the Commissioner that the model scheme has been adopted.

Classes of Information

7. The authority must publish information that it holds which falls within the following classes. Once published, information should be available for the current and previous two financial years. Where information has been updated or superseded, only the current version need be available (previous versions may be requested from the authority).
8. The Commissioner's Guidance accompanying the Model Publication Scheme provides lists of the types of information authorities are expected to publish under each class. The Guide to Information should make clear what is available under each class. The classes and their descriptions are as follows:

Class 1: About [Name of the Authority]

Information about [name of the authority], who we are, where to find us, how to contact us, how we are managed and our external relations.

Class 2: How we deliver our functions and services

Information about our work, our strategy and policies for delivering functions and services and information for our service users.

Class 3: How we take decisions and what we have decided

Information about the decisions we take, how we make decisions and how we involve others.

Class 4: What we spend and how we spend it

Information about our strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent).

Class 5: How we manage our human, physical and information resources

Information about how we manage the human, physical and information resources of the authority.

Class 6: How we procure goods and services from external providers

Information about how we procure goods and services, and our contracts with external providers.

Class 7: How we are performing

Information about how we perform as an organisation, and how well we deliver our functions and services.

Class 8: Our Commercial Publications

Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g., bookshop, museum or research journal.

Draft Publication Scheme

9. A draft Publication Scheme (**Paper 2.4A**) for adoption by the Scottish Civil Justice Council, has been prepared in accordance with the Commissioner's guidance.² In line with obligations under the Act, it has been available in draft form on the Scottish Civil Justice Council website since 28 May and the Scottish Information Commissioner has been notified that the draft scheme will be submitted to the Council for consideration.

Alternative options

10. There is an option to adopt a bespoke publication scheme if it is considered the model scheme does not suit the authority's purposes. The Information Commissioner is required to approve (rather than be notified of) bespoke publication schemes. The Information Commissioner strongly encourages authorities to adopt the single Model Publication Scheme as it embodies best practice. The Secretariat met representatives of the Office of the Scottish Information Commissioner in April to discuss the implications of Freedom of Information and adoption of a publication scheme. There do not appear to be any particular reasons for adopting a bespoke scheme.

Training

11. Members are invited to a seminar on the Freedom of Information Regime, which will be delivered by Susan Gray of the Office of the Scottish Information Commissioner, at Parliament House shortly after the Council meeting. Members of the Criminal Courts Rules Council have also been invited.

Recommendation

- 12. Members are invited to agree the adoption of the Model Publication Scheme 2013 and to approve the draft Publication Scheme and Guide to Information.**

² A draft scheme in similar terms has also been prepared and submitted to the Criminal Courts Rules Council for discussion at its meeting of 3 June.