

## Freedom of Information Act 2000

### Definition document for health bodies in Wales (including local health boards and NHS trusts)

This guidance is written for the use of health bodies in Wales. It gives examples of the kinds of information that the ICO expects you to provide in order to meet your commitments under the model publication scheme.

The ICO would expect you to make the information in this definition document available unless:

- you do not hold the information;
- the information is exempt under one of the Freedom of Information Act (FOIA) exemptions or Environmental Information Regulations (EIR) exceptions, or its release is prohibited under another statute (eg UK GDPR);
- the information is readily and publicly available from a relevant website; such information may have been provided either 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- the information is archived, out of date or otherwise inaccessible; or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 held by another public authority, you should provide details of where to obtain it.

The guidance is not meant to give an exhaustive 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.

The ICO recognises that this document covers a range of organisations which carry out different functions. However, the information they hold will fall under the same headings.

As a minimum, the ICO expects you to make available information that is required by statute or by the Welsh Government.

## **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 \(sections 11, 19 and 45\)](#). This explains what is meant by "not appropriate" and "capable of re-use".

## **Model publication scheme**

The table below identifies the specific information the ICO expects health bodies in Wales to publish under each of the seven classes of information set out in the [model publication scheme](#).

### **Class 1 – Who we are and what we do**

Organisational information, structures, locations and contacts.

Information in this class to be current information only

- **How we fit into the NHS structure**

Given the nature of the NHS, provide information that explains how the organisation fits into either the local or national NHS structure, or both. Provide both an outline as well as detailed information about your role and responsibilities.

- **Organisational structure**

Corporate governance information including details of board members and other key personnel. Include an explanation of your internal structure, how the structure relates to roles and responsibilities and details of any committee or partnership.

- **Gender pay gap reporting**

Read the Government's guidance on the [gender pay gap reporting](#) to find out what information you need to publish. Publish this data annually if you have a head count of 250 staff or more.

- **Workforce diversity**

Publish details of the composition of your workforce.

- **Lists of and information relating to key organisations you work in partnership with**

Provide enough detail to ensure information is sufficient for the purposes of identifying the relationship between you and these bodies.

- **Meetings with pharmaceutical companies and other medical suppliers**

As a minimum, include the name of the company, the date and, if appropriate, the name of the member(s) of staff attending, together with a general indication of the category of meeting, for example marketing or promotion. The names of staff attending should include any senior managers and any medically qualified staff.

- **Senior staff and board members**

Identify and include the responsibilities and biographical details of those making strategic and operational decisions about the provision of your services. Only publish biographical details that are not work-related in line with UK GDPR.

- **Location and contact details for all public-facing departments**

If possible, give named contacts in addition to contact phone numbers and email addresses.

## **Class 2 – What we spend and how we spend it**

Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.

As a minimum, make available financial information for the current and previous financial year, unless stated otherwise. Provide this information as a whole but also, where appropriate, for directorates or departments as cost units.

- **Financial statements, budgets and variance reports**

In conjunction with annual accounts, provide financial information in sufficient detail to allow the public to see where you are spending money or where you are planning to spend it, and the difference between the two.

Publish financial information at least annually. However, where practical, provide half yearly or quarterly financial reports. Include revenue budgets and budgets for capital expenditure.

Provide details of items of expenditure over £30,000, including costs, supplier and transaction information (monthly).

- **Financial audit reports**

- **Capital programme**

- **Scheme of delegation**

Make information available on major plans for capital expenditure including any public-private partnership contracts.

- **Senior staff and board members' allowances and expenses**

Provide details of the allowances and expenses that can be incurred or claimed. Include the total of the allowances and expenses incurred by or paid to individual senior staff and management board members by reference to categories. Produce these categories in line with your policies, practices and procedures and include travel, subsistence and accommodation.

- **Staff pay and grading structures**

You can provide this as part of the organisational structure. As a minimum, include the details of senior staff salaries in bands of £5,000. For all other posts, identify levels of pay by salary range.

The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole of your workforce.

- **Funding (including endowment funds and charitable funds)**

- **Procurement and tendering procedures**

Provide details of procedures used for the acquisition of goods and services.

- **Details of contracts currently being tendered**

As a minimum, include adverts of contracts currently available for public tender.

- **List and value of contracts awarded**

In general, only publish details of contracts and invitations to tender worth over £25,000 or provide a link to this information on the Welsh Government procurement website.

### **Class 3 - What our priorities are and how we are doing**

Strategies and plans, performance indicators, audits, inspections and reviews.

- **Annual report**
- **Annual business plan, including commissioning**
- **Targets, aims and objectives**
- **Health and Care Standards framework**
- **Strategic direction document (five year plan)**
- **Performance against targets, KPI, performance management information**
- **Quality and safety reports, including reports by regulatory bodies (eg Healthcare Inspectorate Wales)**
- **Annual quality statement**
- **Annual governance statement**
- **Equal pay reports**
- **Caldicott Principles in Practice (CPiP) report**
- **Audit reports**
- **Clinical audits**
- **Service user surveys**
- **Clinical services plan, if applicable**
- **Communication and engagement strategy (if any)**
- **Data protection impact assessments (in full or summary format) or any other impact assessment (eg health and safety impact assessment, equality impact assessments etc), as appropriate and relevant**
- **Wellbeing**

If applicable to you, publish your wellbeing objectives, a statement

about your wellbeing objectives and an annual report on the progress made in meeting those objectives, as required under the Wellbeing of Future Generations (Wales) Act 2015.

## **Class 4 – How we make decisions**

Decision-making processes and records of decisions.

Make information in this class available for at least the current and previous three years. If you can make information available for longer, explain this in any guidance you produce.

- **Board papers – agenda, supporting papers and minutes**

Include board minutes, minutes from all high-level meetings where decisions are made about the provision of services as well as supporting documents and papers discussed in these meetings. Exclude material that is properly considered to be exempt from disclosure.

- **Patient and public engagement strategy**
- **Public consultations (for example, concerning closures or variations of services)**

Provide details of consultation exercises and access to the consultation papers, or information about where to obtain the papers. Include the results of consultation exercises.

- **Internal communications guidance and criteria used for decision-making, ie process systems and key personnel**

Make readily available internal instructions, manuals and guidelines for dealing with the business of the authority where access to this information would assist public understanding of the way decisions are made. This does not include disclosing information that might damage your operation.

## **Class 5 – Our policies and procedures**

Current written protocols, policies and procedures for delivering our services and responsibilities.

- **Policies and procedures relating to the conduct of business and the provision of services**

Procedures for handling requests for information should be included.

- **Health and safety**
- **Pay policy statement**

The statement of your policy and procedures regarding pay, including your approach to any performance-related pay and to providing support for lower paid staff.

- **Policies and procedures relating to human resources, including recruitment and employment policies**

If vacancies are advertised as part of your recruitment policies, make readily available details of current vacancies.

- **Equality and diversity policies**

Include procedures and guidelines relating to equality and diversity.

Include in this class of information, codes of practice, memoranda of understanding, information sharing protocols and similar information should be included. A number of policies, for example equality and diversity, and health and safety, will cover both the provision of services and the employment of staff.

- **Welsh language standards**

Include details of how you comply with the requirements of either the Welsh Language Act 1993 or the Welsh Language Measure (Wales) 2011, or both.

- **Standing financial instructions or procedures**
- **Standing orders**
- **Customer service and complaints policies and procedures**

Provide details about standards for providing services to your customers, including complaint procedures. Include procedures covering requests for information and operating the publication scheme.

- **Data protection, records management, Caldicott Guardian**

Include information security policies, high level file plans, records retention, destruction and archive policies, data protection (including data sharing and CCTV usage) and patient confidentiality policies.

- **Estate management**
- **Charging regimes and policies**

Provide details of any statutory charging regimes. As part of your charging policies, include charges made for information you routinely publish and clearly state what costs you are recovering together with the basis on which you make them and how you calculate them.

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

## **Class 6 – List and registers**

Publish information contained only in currently maintained lists and registers.

- **Any information you are currently legally required to hold in publicly available registers**
- **List of main contractors or suppliers**
- **Asset registers**

You do not have to publish all details from all asset registers. However, make available the location of public land and building assets and key attribute information that is normally recorded on an asset register, along with some other information from capital asset registers.

- **Information asset register or equivalent**

If you have prepared an information asset register for the Re-use of



Public Sector Information Regulations 2015, publish its contents.

- **CCTV**

Details of the locations of any overt CCTV surveillance cameras operated by you or on your behalf. You should decide on the level of detail which is appropriate. This could be by building or more general geographic locations eg postcodes or partial postcodes, depending on the security issues raised.

- **Any register of interests you keep**
- **Register of gifts and hospitality provided to board members and senior personnel**
- **Disclosure log**

If you produced a disclosure log indicating the information provided in response to FOIA and EIR requests, make this readily available. Keep disclosure logs as a matter of good practice.

## **Class 7 – The services we offer**

Information about the services we offer, including leaflets, guidance and newsletters.

In general, this class is an extension of the first class of information, 'Who we are and what we do'. Under this class, you can detail the services you provide. As a starting point, provide a list or lists of the services that fall within your responsibility linked to the details of those services.

- **Clinical services provided or commissioned**
- **Non-clinical services**
- **Services for which you are entitled to recover a fee together with those fees**
- **Patient information leaflets and other booklets and newsletters**
- **How to make a complaint, the NHS Wales Putting Things Right arrangements**
- **Advice and guidance**
- **Corporate communications and media releases**