Freedom of Information Act 2000

Definition document for the armed forces of the Crown (excluding any special forces)

This guidance is written for the use of the armed forces of the Crown (excluding any special forces). 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 expects 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 2000 (FOIA) exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another statute (eg UK GDPR);
- the information is readily and publicly available from an external 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- the information is archived, out of date or otherwise inaccessible; or,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 or definitive 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, which must include all information that is required by statute.

The ICO does not expect any information to be published that would adversely affect national security, the operational needs and activities of the armed forces or would compromise the security of your personnel.

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 the armed forces 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 should only be current information, unless stated otherwise.

- **The armed forces and their activities**

Information about the Royal Navy, the Army and the Royal Air Force and their reserve forces; including:
   - capability and equipment;
   - the conduct of operations and training; and
   - the strategic and political framework within which these are undertaken.

- **Personnel**

Profiles of military personnel ranked at three stars and above and identity of senior civilian staff. Information about serving and former personnel, both military and civilian, including numbers and terms and conditions of service.

- **Organisational structure**

Details of the division of the armed forces into operational units, for example divisions, squadrons, groups and reserves and their command structures.

- **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.

- **Relationship with allies, other countries, Parliament, Ministry of Defence (MoD) and other government departments**

- **Armed forces agencies**

- **Location of establishments and contact details**

Provide your postal and email address. If possible, provide named contacts including 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 financial information for the current and previous two financial years available.

- **Annual reports and accounts**

- **Procurement, contracts and expenditure**

Provide details about:
- o spending over £25,000 (monthly);
- o contracts and tenders worth over £10,000; and
- o government procurement card spend over £500.

- **Investment plans**

- **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.

- **Senior personnel allowances and expenses**

Details of the allowances and expenses that can be incurred or claimed. It should include the total of the allowances and expenses, by reference to categories, incurred by or paid to individual senior personnel. Categories will be under such headings as travel, subsistence and accommodation.

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

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

Publish all relevant information in this class for the current and previous two years at least.

- **Information about management and planning, targets, incentives, performance and initiatives for promoting efficiency and good practice**

- **Continuous attitude surveys**

- **Military aircraft accident summary (MAAS) reports**

- **Board of Inquiry (BOI) reports (Part 1) from 1 May 2007**

- **Data protection impact assessments (in full or summary format) or any other impact assessments (eg health and safety impact assessments, equality impact assessments), as appropriate and relevant**

Class 4 - How we make decisions

Decision-making processes and records of decisions.

Make information in this class available for the current and previous two years at least.

- **Records of decisions**

In the context of military organisations, most decision-making processes will be covered by the organisational material published in the first class. The ICO also recognises that many command decisions cannot be published. The ICO would expect however that where decisions are made that affect the provision of services that are not operationally sensitive, for example the provision of welfare or educational services, they are made available to the public. Exclude material that is properly considered exempt from disclosure.

- **Public consultation documents**

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.

- **Statistical information**

Class 5 - Our policies and procedures

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

Information in this class should only be current information.

- **Defence policy**

Information about the UK's defence policy and strategy.

- **Legislation, rules and regulations for military and civilian personnel**

- **Policies and procedures about the recruitment and**

employment of personnel

- **Equality and diversity strategies**

- **Tendering and procurement including policy and plans for the replacement or acquisition of equipment and services**

- **Health and safety**

- **Training and development**

- **Defence and the environment (including low flying exercises)**

- **Welfare**

- **Complaints**

Complaints procedures will include those covering requests for information and operating the publication scheme.

- **Public access to defence estates**

- **Policies and procedures for handling information requests**

- **Records management and personal data policies**

Include information on security policies, records retention, destruction and archive policies and data protection (including data sharing and CCTV usage) policies.

- **File plans (high level, for current records management systems)**

- **Charging regimes and policies**

Provide details of any statutory charging regimes. Charging policies should include charges made for information you routinely publish. They should clearly state what costs you are recovering, 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 this is calculated and whether you make 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 - Lists and Registers

Information in this class should only be information in currently maintained lists and registers.

- **Information held in registers required by statute**

- **Other lists and registers relating to the functions of the armed forces**

- **Asset registers and information asset register**

You do not need to publish all details from all asset registers. However, include the location of public land and building assets and key attribute information that you normally record on an asset register along with some other information from capital asset registers. If you have prepared an information asset register for the Re-use of Public Sector Information Regulations 2015, publish the 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. This depends on the security issues raised.

- **Disclosure logs**

If you produce a disclosure log indicating the information provided in response to FOI and EIR requests, make it readily available. Disclosure logs are recommended as good practice.

- **Register of gifts and hospitality**

Details of gifts given or received, hospitality and from which organisation and travel (including overseas, detailed unless properly regarded as non-routine).

Class 7 - The services we offer

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

Information in this class should only be current information.

Generally, this is an extension of part of the first class of information. While the first class provides information on the armed forces' roles and responsibilities, this class includes details of the services you provide as a result of them. The starting point would normally be a list or lists of the services you are responsible for, linked to details of these services.

- **Welfare services**

- **Chaplaincy**

- **Historical information and archive material**

- **Services for which the armed forces are entitled to recover a fee, together with those fees**

- **Research, science and technology**

Information about research conducted on behalf of MoD including equipment, medical and academic research work.

- **Ceremonies**

- **Education facilities for personnel and their children**

- **Genealogical information**

- **Museums**

- **Sales and export support**

Information about the sale of MoD land, equipment, services and information and the support provided to British industry.

- **Defence magazines**

- **Factsheets or booklets**

- **Public events (including aircraft display teams)**

- **Media releases**

- **Speeches**