

Freedom of Information Act 2000

Definition document for health regulators

This guidance is written for the use of health regulators in England, Wales and Northern Ireland. It gives examples of the kinds of information 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 (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- the information is archived, out of date or otherwise inaccessible; or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.

This 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.

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 you 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 be current information only, unless stated otherwise.

- **Organisational structure**

Provide details of organisational charts, roles and responsibilities, job specifications and responsibilities.

- **Locations and contact details**

Provide your postal and email address. If possible, provide named contacts including contact phone numbers and email addresses.

- **Information relating to the legislation relevant to your functions**

- **Lists of and information relating to organisations which you have responsibility for and those you work in partnership with**

- **Senior executives and management board or governing body members**

Identify and include the responsibilities and biographical details of those senior staff 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.

- **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.

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. Where practical, consider providing this information on a quarterly or half yearly basis.

- **Financial statements, including for projects and events**

Provide details of items of expenditure over £25,000, including costs, supplier and transaction information.

- **Budgets and variance reports**

Financial information in sufficient detail to allow the public to see where money is being spent, where it is or has been planned to spend it, and the difference between one and the other.

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

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

- **Staff pay and grading structures**

You can provide this as part of your 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.

- **List of contracts awarded and their value**

Publish details of contracts, invitations to tender and procurement frameworks that exceed £25,000, for example value of contract, summary of contract and identity of parties.

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

Strategies and plans, performance indicators, and reviews.

- **Corporate plans and strategic priorities**
- **Regulatory approach, where you have one**
- **Business plan**
- **Organisational and departmental performance reviews**
- **Service standards**
- **Progress reports and statistics on an annual basis, but where practicable on a shorter timescale ie quarterly**
- **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.

- **Major policy proposals and decisions**
- **Public consultations**

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.

- **Minutes of meetings, including senior level meetings**
- **Reports and papers provided for consideration at meetings**

You can exclude material that is properly considered to be exempt from disclosure.

Class 5 – Our policies and procedures

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

- **Policies and procedures for conducting business and delivering services**
- **Policies and procedures relating to human resource**

Include the full range of human resources policies and procedures such as generic terms and conditions of employment, collective bargaining and consultation with trade unions, grievance, disciplinary, harassment and bullying.

- **Equality and diversity policies or equality scheme (for bodies in NI)**
- **Procedures and policies relating to recruitment, including selection criteria, process and any advertised vacancies**
- **Pay policy statement**

- **Procurement and tendering procedures**
- **Internal guidelines, instructions and manuals**
- **Customer service and complaints policies and procedures**

Standards for the provision of services to your customers, including any complaints procedure. Include the procedures for the handling of requests for information and operating the publication scheme.

- **Health and safety**
- **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 you calculate this 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.

- **Records management, personal data and access to information policies**

Include information security policies, high level file plans (or any other business classification scheme used for the management of information), records retention, destruction and archive policies, data protection (including data sharing and CCTV usage) and patient confidentiality policies.

Class 6 – Lists and registers

Include information contained only in currently maintained lists and registers.

- **Register of practitioners**
- **List of approved courses**
- **Register of gifts and hospitality provided to board members and senior staff**
- **Any register of interests**
- **Disclosure logs**

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

- **Asset register**
- **Information asset register**
- **List of main contractors or suppliers**
- **CCTV**

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

Class 7 – The services we offer

Information about the services we offer, leaflets and guidance produced for the public and businesses.

Generally, this is an extension of part of the first class of information and may also relate to information covered in other classes.

As part of this class, you can include:

- **Advice and guidance**

- **Details of the services for which you are entitled to recover a fee, together with those fees**
- **Media releases**
- **Leaflets and booklets**
- **Standards**
- **Reports and research**
- **CPD guidance**