

Freedom of Information Act 2000

Definition document for wholly-owned companies

This guidance is written for the use of wholly-owned companies which are public authorities for the purpose of the Freedom of Information Act 2000 (FOIA). 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 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 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- the information is archived, out of date or otherwise inaccessible; or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 [Section 45 Code of Practice](#) 2018 recommends that you 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 \(section 11,19 & 45\)](#). 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 only be current information, unless stated otherwise.

- **Roles and responsibilities**

Provide outline and detailed information about your roles and responsibilities, and the roles and responsibilities of people working in the company at senior level. Indicate the relationship with the public authority or authorities owning the company.

- **Articles of association**

- **Board membership**

Identify and include the responsibilities and biographical details of board members. Only publish biographical details that are not work-related in line with UK GDPR.

- **Senior executives**

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.

- **Organisational structure**

- **Location and contact details**

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

- **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.

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

Provide financial information in enough detail to allow the public to see how money is being spent, where you are spending it or are planning to spend it, and the difference between the two.

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

- **Annual accounts**

- **Loans sanctioned**

- **Expenditure**

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

- **Financial audit reports**

- **Staff pay and grading structure**

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.

- **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 your policies, practices and procedures under headings like travel, subsistence and accommodation.

- **Capital programme**

Provide information on major plans for capital expenditure including any private finance initiative and public-private partnership contracts.

- **Procurement and tender procedures and reports**

Provide details of procedures used for acquiring goods and services, including contracts available for public tender and reports of successful tenders.

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

Publish details of contracts that exceed £25,000.

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

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

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

- **Strategic and business plans, aims and objectives**
- **Annual report**
- **Customer surveys**
- **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 available information in this class at least for the current and previous two years.

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

Make available board minutes and the minutes of similar meetings where decisions are made about providing services. 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 your services and responsibilities.

Publish current information only in this class.

- **Policies and procedures for conducting business**

Standing orders, delegated powers, corporate governance, code of conduct, memoranda of understanding and similar matters.

- **Policies and procedures for delivering your services**

Policies that affect the manner in which you provide services. Include any policies and procedures for handling requests for information.

- **Policies and procedures for recruiting and employing staff**

Publish policies such as equality, recruitment, disciplinary and grievance. If vacancies are advertised as part of recruitment policies, you should make details of current vacancies readily available.

- **Equality and diversity policies**
- **Equality scheme (if you are subject to section 75 of the Northern Ireland Act)**
- **Health and safety**
- **Customer service and complaints policies and procedures**

Standards for providing services to your company's customers, including your complaints procedures. Include complaints procedures covering information requests and the operation of the publication scheme.

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

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

- **Charging regimes and policies**

Provide details of any statutory charging regimes and include charges made for information routinely published. Clearly state what costs you are recovering, the basis on which you make them, and how you calculated them.

If you charge a fee for licensing the re-use of datasets, you should state in your guide to information how this is calculated and whether the charge is made 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

Include information contained only in currently maintained lists and registers.

- **Any lists or registers that you may be required to produce in the conduct of your business**
- **List of main contractors or suppliers**
- **Asset registers**
- **Information asset register**
- **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.

- **Any register of interests you keep**
- **Register of gifts and hospitality provided to board members and senior staff**
- **Register of people with significant control**

- **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, area or more general geographic locations, eg postcodes or partial postcodes, depending on the security issues raised.

Class 7 – The services we offer

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

Generally, this is an extension of part of the first class of information. While the first class provides information on your roles and responsibilities, this class includes details of the services you provide internationally, nationally and locally as a result of them.

For example, it will benefit the public to have ready access to information about the services you provide for the public and for the public authority or authorities owning you, to the information readily available to individuals, including in person and online. The starting point would normally be a list or lists of the services you are responsible for, linked to details of these services.

- **Details of your services**
- **Services for which you are entitled to recover a fee, together with those fees**
- **Leaflets**
- **Corporate communications and media releases**