

BODY:	CABINET
DATE:	5 December 2002
SUBJECT:	FREEDOM OF INFORMATION ACT – PUBLICATION SCHEME
REPORT OF:	Head of Communications
Ward(s):	ALL
Purpose:	Under the Freedom of Information Act 2000 (FOI) the Council is required to submit a Publication Scheme and have it approved by the Government's Information Commissioner. The purpose of this report is for the Cabinet to approve the draft scheme for submission.
Decision type:	
Contact:	Simone Field, Intranet Development Manager, Telephone internally on extension 5027. simone.field@eastbourne.gov.uk
Recommendations:	<ol style="list-style-type: none"> 1. That Cabinet approve the attached Publication Scheme (Appendix I) and subsequent submission to the Government's Information Commissioner in order to comply with the Freedom of Information Act 2000. 2. That officers undertake regular reviews of the scheme and incorporate additions as necessary.
1.0	<u>Background</u>

1.1	The Freedom of Information Act 2000 (FOI) gives a general right of access to all types of recorded information held by public authorities, including local authorities. From 2005 when the full right of access is introduced a person can request any piece of information from the authority and we will be under a duty to disclose that information, provided that we hold it. This duty is subject to a number of exemptions specified in the legislation.
1.2	The FOI requires all public authorities to produce a publication scheme which, that will act as a guide to the information we routinely publish. In this context 'publish' simply means to make it available and not 'publications' per se.
1.3	Information that we publish in the scheme will be exempt information in relation to the general right of access to information provided to individuals under the act. Our policy is that information should always be made available unless an exemption can reasonably be shown to apply. This means that in response to a request for information already covered by our Publication Scheme we need do no more than direct the individual to the scheme. This will be less laborious and costly than would otherwise be the case in complying with the full process of disclosure under the FOI as the wider the coverage of our Publication Scheme the smaller the would be number of individual applications for information that we should have to process.
1.4	<p>Our Publication scheme must:</p> <ul style="list-style-type: none"> · Specify classes of information which we publish or intend to publish · Specify the manner in which information of each class is, or is intended to be published, and · Specify whether the material is, or is intended to be, available to the public free of charge or on payment

1.5	Our scheme must be submitted to the Office of the Government's Information Commissioner by 31 December 2002. The Scheme that we submit does not include the actual published information but is merely an outline of our Scheme and how we plan to operate it along with the classes (headings) under which we intend to publish our information. Following approval the scheme requires implementation by 28 February 2003.
2.0	<u>EBC PUBLICATION SCHEME</u>
2.1	The format of our publication scheme is partly based on the structure of our website, but with additional classes added to cover the internal and tourism areas not currently included within the www.eastbourne.gov.uk site. This makes our Publication Scheme quite detailed in its class structure.
2.2	We have conducted a thorough audit of the information EBC holds and are entering all this data into a FOI database. The Audit's level of detail gives us scope for future auditing of our information resources. This will allow us to review our publication scheme in accordance with the Act and provide compliance with the requirements within the Disability Discrimination Act (DDA). It will also demonstrate a commitment to Plain English. We are giving the public 'rights of access' to a large volume of work that was not originally intended for publication and we must therefore commit ourselves to the provision of better information resources in the future.
2.3	While this is a large project to undertake it does carry considerable value for the organisation. A detailed scheme, if prepared correctly, will be a massive resource for us internally for the location, filing and retrieval of all our information.
3.0	<u>Consultations</u>
3.1	As mentioned in 2.2 we have carried out a detailed audit of all the Council's information and this has been entered into a database ready to form the basis of our Publication Scheme.

3.2	The Approval Documentation from the Information Commissioner includes a self-assessment questionnaire to be sent with our submission and which looks how we have used consultation, frequently asked questions and other feedback to prepare our scheme.
4.0	<u>Resource Implications</u>
4.1	The Council's Intranet Development Manager, Simone Field, is seconded to develop the scheme and its implementation and as a consequence Simone will only be providing limited maintenance to the Council's Intranet until February 2003. Additionally, the Council's IT Programmer is supporting the work through the development of a database to Simone's specifications. Further input from the programmer will be required for publishing the database on the web.
4.2	In the longer term the information resources within the database need to be continually managed to keep them up to date. It is envisaged that this will be the role of the individual officer responsible for an item of information. Current resources within the Communications Division will only allow for a minimal supervision of the overall scheme. It is difficult to gauge at this stage what the staffing implications of this might be. We have deliberately sought to publicise the maximum within the scheme. This should reduce our workload with regard to individual applications although it does mean we have a larger database of resources to manage. However this will need to be kept under review. It is certain to be mentioned in the Risk Assessment within the Communications Service and Financial Plan.
5.0	<u>Other Implications</u>

5.1	<p><u>Equalities</u></p> <p>Under the Race Relations (Amendment) Act 2000 and the Disability Discrimination Act – Rights of Access to Goods, Facilities, Services and Premises, we are obligated to provide information, where reasonably practicable, in other formats upon request. Other formats may include providing the publication in languages other than English; in Braille and on tape etc. The ‘reasonably practicable’ element of providing information will need to be taking into consideration when costing any such request as we should not discriminate i.e. charge a disabled person for information freely available to people without disabilities as this would not be seen as good practice.</p>
6.0	<p><u>Conclusion</u></p>
6.1	<p>In order to comply with the legislation of the Freedom of Information Act we are required to submit a Draft Publication Scheme for approval by 31 December 2002. Following full assessment of the Commissioners guidance plus consultation with other authorities the attached draft Publication Scheme and subsequent submission to the Information Commissioner’s Office has been produced and is passed to this Committee for approval.</p>
<p>Simone Field</p> <p>Intranet Development Manager</p>	
<p>Background Papers:</p> <p>The Background Papers used in compiling this report were as follows:</p> <ul style="list-style-type: none"> • Approval Documentation & Guidance from the Information Commissioner’s Office • Approval Questionnaire <p>To inspect or obtain copies of background papers please refer to the contact officer listed above.</p>	
(document reference)	