



Cymorth Llywodraethu Gwybodaeth  
ar gyfer Gofal Sylfaenol  
Information Governance Support  
for Primary Care

IGDC • DHCW

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# IG Guidance for Primary Care Service Providers

## Completing the FOI Publication Scheme

# Introduction

What is a publication scheme?

The Freedom of Information Act 2000 (FOIA) requires a public authority to have a publication scheme available to enable the proactive publishing of recorded information, which is safe to disclose, for members of the public to access.

The information within your publication scheme represents the minimum information you must disclose. Even when public authorities have a publication scheme available, members of the public are still entitled to request copies of recorded information that is not listed in the scheme.

The publication scheme will help to increase transparency by providing members of the public the opportunity to be able to routinely access information held by public authorities; this is generally provided through the organisation's website.

Similarly, The Environmental Information Regulations 2004 (EIR) requires public authorities to publish environmental information proactively in a publication scheme. The EIR interpret 'environmental information' widely, with the scope to include information such as health and safety policies, details about recycling, land development, pollution levels, energy production, and waste management.

Who is required to have a publication scheme?

The FOIA and EIR applies to recorded information held by a public authority.

Public authorities who are subject to FOIA and EIR are required to have a publication scheme. This includes government departments, local authorities, police forces, state schools and the NHS; this includes information from GMPs, Pharmacies, Dentists and Optical Contractors concerning their NHS work.

Specific template guides are available for GMPs, Pharmacies, Dentists and Optical Contractors in both English and Welsh on the [Information Commissioner's Office \(ICO\) website](#).

It is a duty of the public authority to review their publication scheme from time to time.

What needs to be included in the Publication Scheme?

The publication scheme is divided into seven classes, these are:

1 - Who we are and what we do

2 - What we spend and how we spend it



3 – What our priorities are and how we are doing

4 – How we make decisions

5 – Our policies and procedures

6 – Lists and registers

7 – The services we offer

Information required within these classes may already be published on your website. Where this is the case, a link to the relevant webpage can be added to the corresponding section of your publication scheme.

Not all information required within the publication scheme will already be published on your website, however if the practice does hold the information, the practice is required to publish it within the publication scheme, or detail how the information can be accessed.

## Populating your Publication Scheme

### 1. Who we are and what we do

Class 1 of the publication scheme requires information regarding the organisational structure, location and contact details, for example details of the doctors within the practice, contact details for the practice, opening times and other staffing details.

In line with the ICO definition document for GPs, some examples of information to include are:

- Organisational information and structures
- Who's who in the practice
- Contact details for the practice e.g., postal address, email address, phone number
- Opening times
- Meetings with pharmaceutical companies and other medical suppliers

### 2. What we spend and how we spend it

Class 2 of the publication scheme requires information regarding the practice's finances, including funding received, expenditure and GPs NHS income.

In line with the ICO definition document for GPs, some examples of information to include are:



- Financial information relating to projected and actual income.
- Expenditure, procurement, contract, and financial audits (current and previous year as a minimum)
- Details on NHS/HSC funding received by the practice (as much information as possible)
- Audit of NHS/HSC income
- Details of expenditure items over £10,000 (published at least annually but at more interval where practical)
- List and value of contracts awarded by the practice, (as a minimum for contracts that are of sufficient size to have gone through a formal tendering process)
- Staff allowances and expenses incurred or claimed, with totals paid to senior staff members by references to categories
- Declaration of GPs' NHS/HSC income

If the Practice does not wish to publish this type of information on the website, alternative wording should be included informing individuals how this information can be obtained. For example, 'The Practice receives money from NHS Wales according to its contract for national General Medical Services in exchange for services provided for patients. Further information can be obtained on request in writing to the Practice Manager. The Practice Manager can be contacted at [pm-\\*\\*\\*\\*\\*@wales.nhs.uk](mailto:pm-*****@wales.nhs.uk)'.

### 3. What our priorities are and how we are doing

Class 3 of the publication scheme requires information regarding the practice's strategies, plans, performance indicators, audits, and inspections.

Consider priorities detailed in QAIF, Healthier Wales, IG Toolkit and Cluster Working. Providing a link to your Cluster Plan is an effective way of demonstrating your priorities.

In line with the ICO definition document for GPs, some examples of information to include are:

- Strategies and plans, performance indicators, audits, inspections, and reviews, as a minimum, for the current and previous year
- Plans for the development and provision of NHS/HSC services
- Performance data including performance against targets
- Inspection reports by regulators
- Data Protection impact assessments (in full or summary format) or any other impact assessment (e.g., Health & Safety Impact Assessment, Equality Impact Assessments etc), as appropriate and relevant

### 4. How we make decisions

Class 4 of the publication scheme requires information regarding the decision-making process and records of decisions made. Most practices will have a committee or management



team which will meet to make decisions. You should detail who forms part of this committee (job titles), how often it meets, and where appropriate minutes of these meetings.

In line with the ICO definition document for GPs, some examples of information to include are:

- Decision making processes and records of decisions (current and previous year as a minimum)
- Records of decisions made in the practice affecting the provision of NHS/HSC services.

If the practice does not wish to publish records of meetings, alternative wording should be included informing individuals how this information can be obtained. For example, 'This information can be obtained on request in writing to the Practice Manager. The Practice Manager can be contacted at pm-\*\*\*\*\*@wales.nhs.uk.' The practice should still detail who makes up the committee and how often it meets as a minimum.

## 5. Our policies and procedures

Class 5 of the publication scheme requires the publication of current written protocols, policies, and procedures. This is not limited to information governance policies.

It is recommended that you upload copies of the practice's policies to your publication scheme as PDFs. This means documents are not able to be edited if downloaded, but are still readily available for members of the public to access.

Note: A set of All Wales Information Governance Policies for Primary Care Service Providers have been developed for practices to adopt, these are available on the [IG Website](#).

In line with the ICO definition document for GPs, some examples of information to include are:

- Current written protocols, policies, and procedures for delivering our services and responsibilities.
- Policies and procedures for conducting businesses and delivering services.
- Customer Service and Complaints policies and procedures
- Internal instructions to staff
- Policies and procedures about the recruitment and employment of staff
- Equality and diversity policy
- Health and safety policy
- Pay policy.
- Records management policies
- Data protection policies (including data sharing and CCTV usage)

If you choose to not make your policies available through the website, consider listing the practice policies and providing the following example text: "Copies of our policies and procedures are available on request by contacting the Practice Manager at pm-\*\*\*\*\*@wales.nhs.uk."



## 6. Lists and registers

Class 6 of the publication scheme requires information regarding currently maintained lists and registers to be uploaded.

The ICO recognise that it is unlikely that GPs are going to have registers available for public inspection, however if your practice does have them available, these should be uploaded.

In line with the ICO definition document for GPs, some examples of information to include are:

- Currently maintained registers and lists only
- Details of the locations of any overt CCTV surveillance cameras operated by you or on your behalf (depending on the level of detail which is appropriate)

Where no lists are maintained which are appropriate for public inspection, you can simply state "None held".

## 7. The services we offer

Class 7 of the publication scheme requires information regarding the services the practice offers, including leaflets, guidance and newsletters produced for the public.

In line with the ICO definition document for GPs, some examples of information to include are:

- Information about the services you offer, including leaflets, guidance and newsletters produced for the public (current information only)
- The services provided under contract to the NHS/HSC
- Charges for any services
- Out of hours arrangements

## Charging for information in the Publication Scheme

Under Section 19(2)C of the FOIA;

'(2) A publication scheme must—  
(c)specify whether the material is, or is intended to be, available to the public free of charge or on payment.'

It is essential that authorities are clear where charges are to be applied and that these fees are *transparent, justified and kept to a minimum*. It is important to state the basis for the charge, so the public understand the reasoning.



The Information Commissioner does not approve charges set by public authorities, it is for the authority themselves to determine an appropriate fee and justification for doing so.

Charges do not apply to information that is routinely made available, unlike information that is disclosed in response to a specific request. Where fees are charged, they must be calculated separately from charges made under the Fees Regulations.

Generally, you can make the following charges:

- For communicating the information, such as printing, copying and postage. It is not considered reasonable to charge for providing information online
- Fees permitted under statutory charging regimes
- For information produced commercially, for example, a book, map, or similar publication that you intend to sell and would not otherwise have produced

If you do intend to charge for any information within your publication scheme, you are required to produce a 'Schedule of Fees.' A template for this can be found within the [Definition Document](#) applicable for your organisation type.

## Levels of Charging

Prior to publishing charges within your publication scheme, we strongly advice you consider the 'Level of Charges' Section (Paragraphs 15 – 19) within the [ICOs Guidance on Charging for information in a publication scheme](#), as detailed below.

15. The Act does not give public authorities the specific power to charge for information. This is because it was never the intention of FOIA to provide public authorities with a way to profit from routinely releasing information. As a result, the public authority should determine the extent of its powers to charge for information, by deciding a maximum amount it will charge.

16. We strongly recommend that the level of charges should be compatible with the principle of promoting public access to the information held by public authorities. While we cannot be prescriptive about the level of charges, we would expect a public authority to be able to justify them based on a transparent and publicly available charging policy or policies.

17. In making information available proactively an authority must consider the public interest in allowing access to the information. We will consider high levels of charges for routine information to be contrary to promoting public access to official information.

18. It is worth remembering that the public and the Information Commissioner will be easily able to compare different charging regimes across the public sector. We will also consider charges to be unreasonable where the only justification is that they have traditionally been made.



19. In practice, we expect that for much of the information which is routinely made available there will be either minimal or no cost. This will include information available from websites or supplied in hard copy form with any charges only being for the cost of any printing, copying or postage involved.

