



CYMORTH LLYWODRAETHU GWYBODAETH AR GYFER GOFAL SYLFAENOL
INFORMATION GOVERNANCE SUPPORT FOR PRIMARY CARE

IG Guidance on Completing the FOI Publication Scheme on Mura



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Introduction

This guidance has been developed to support GMPs in populating the information governance related templates currently available within the new Mura website. By following this guidance practices can assure themselves that they are complying with the Freedom of Information Act and data protection legislation.

If you require any further support, in the first instance please contact your Primary Care Facilitator.

Freedom of Information Act and Environmental Information Regulations

The **Freedom of Information Act 2000 (FOIA)** is designed to increase transparency; providing members of the public the opportunity to be able to routinely access information held by public authorities. It does this in two ways:

- public authorities are obliged to routinely publish certain information about their activities; and
- members of the public are entitled to request information from those public authorities.

The Act covers any recorded information that is held by a public authority. Public authorities include government departments, local authorities, police forces, state schools and the NHS; **this includes information from GMPs concerning their NHS work.**

The Act requires each organisation to have a '[publication scheme](#)', which should set out the organisation's high-level commitment to proactively publish information; this is generally provided through the organisation's website. The publication scheme should be supported by the '[Guide to information provided by GPs under their model publication scheme](#)', specifying what information it will publish and how it's available.

The **Environmental Information Regulations 2004 (EIR)** are comparable to the FOIA but are limited specifically to information regarding the environment. 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.

Similarly to the FOIA, the EIR requires public authorities to publish environmental information proactively in its publication scheme. See the ICO [Guide to the Environmental Information Regulations](#) for guidance on the model publication scheme and the type of information expected to be published.

Further guidance on the FOIA and EIR is available on the [Information Governance Website](#).

To aid practices in meeting the publication scheme requirements and comply with legislation, a template publication scheme, based upon the ICO's model publication scheme, has been included within the Mura site template for GMPs.

Where is the publication scheme within the Mura site template?

The publication scheme is located within the 'Freedom of Information' page on your website. The 'Freedom of Information' page can be accessed from the footer of the website. The Publication Scheme can be accessed by selecting 'Freedom of Information' followed by the 'Publication Scheme' hyperlink, see images 1 and 2.

When editing the site in Mura ‘tree view’ the publication scheme can be found within the ‘Use of Site’ section, see image 3.

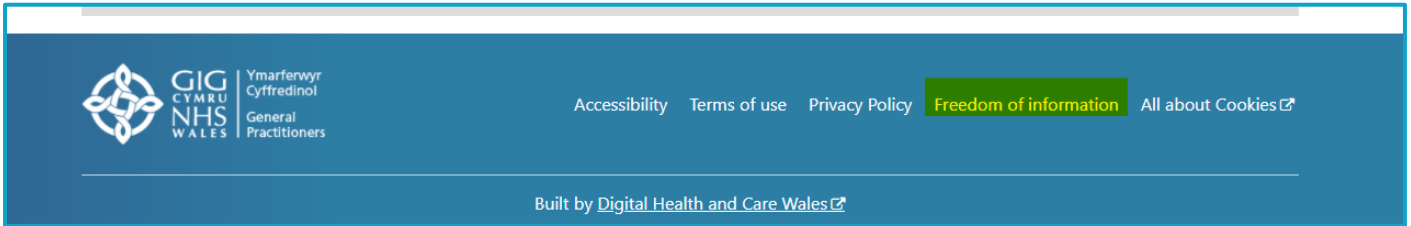


Image 1

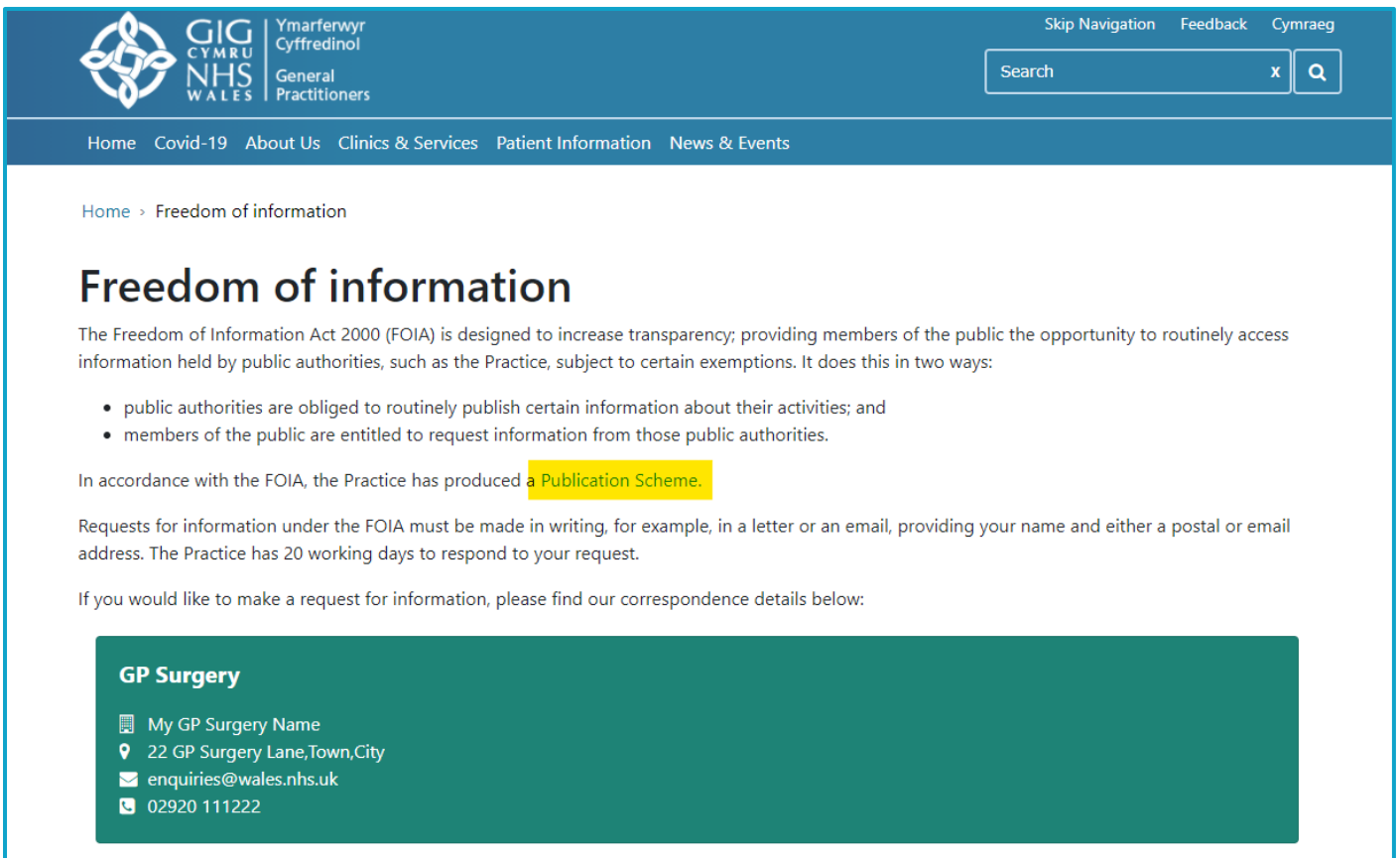


Image 2

| | | | | | | |
|---|--------------------------|---|---|---|---|------------|
| ☰ | Use of site | • | ✓ | • | 🕒 | 21/09/2018 |
| ☰ | ▶ Accessibility | • | ✓ | • | ✓ | 11/11/2020 |
| ☰ | ▶ Privacy Policy | • | ✓ | • | ✓ | 14/10/2020 |
| ☰ | ▶ Terms of use | • | ✓ | • | ✓ | 07/08/2020 |
| ☰ | ▶ Cookie information | • | ✓ | • | ✓ | 20/09/2018 |
| ☰ | ▶ Feedback | • | ✓ | • | ✓ | 17/12/2018 |
| ☰ | ▶ Freedom of information | • | ✓ | • | ✓ | 15/09/2020 |
| ☰ | ▶ Publication Scheme | • | ✓ | • | ✓ | 15/09/2020 |

Image 3

What Information needs to be included within the Publication Scheme?

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

Class 1 – Who we are and what we do

Class 2 – What we spend and how we spend it

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

Class 4 – How we make decisions

Class 5 – Our policies and procedures

Class 6 – Lists and registers

Class 7 – The services we offer

Some of the information required within the classes will already be published on the website, in these cases a link to the relevant page has been added to the template wording.

Please note: Links within the publication scheme template are reliant on the linked pages being completed appropriately.

Not all of the information required within the publication scheme will already be published on the website, however if the practice holds the information, the practice is required to publish it within the publication scheme, or detail how the information can be accessed. Template wording has been provided, with areas highlighted in yellow where the practice will need to input the relevant information. It is strongly recommended that all of the information included within the template wording is routinely published on the website publication scheme.

See the guidance below on completing each class for further guidance on the information which needs to be provided.

Completing Class 1 – Who we are and what we do

Class 1 of the publication scheme requires information regarding the organisational structure, location and contact details, this includes details of the doctors within the practice, contact details for the practice, opening times and other staffing details. This information should be already available on the 'About Us' page, therefore a link to the page has been included within the template. The practice should ensure that the 'About Us' page has been completed thoroughly and the links to the 'Practice Team', 'Practice Details' and 'Opening Times' pages remain, if so, no amendments to the template publication scheme are required for Class 1.

Completing Class 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. The template publication scheme requires the practice to input the total income received from NHS Wales before expenses for the current financial year, these fields are highlighted within the template for ease.

Note: Once the field has been completed the highlight should be removed prior to publication.

If the Practice does not wish to publish this 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’.

Completing Class 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. The practice is required to complete Class 3 themselves, however examples from the ICO of recommended information to be included are detailed within the template. Other priorities the practice may wish to include are QAIF, Healthier Wales, IG Toolkit and Cluster Working. Consider the priorities detailed in your Cluster Plan, providing a link to your Cluster Plan is a good way of demonstrating your priorities.

Note: The highlighted text within the template should be removed prior to publication.

Completing Class 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. The template requires the practice to detail who makes up this committee, for example GP Partners, Practice Manager, etc., as well as detail when or how often the committee meets. The practice should also publish records of these meetings and the decisions made.

If the practice has a patient focus group or panel, details of this can also be included here.

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.

Note: These fields are highlighted within the template for ease, once the fields have been completed the highlight should be removed prior to publication.

Completing Class 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 and should also include, for example, policies on:

- Complaints and Concerns,
- Recruitment,
- Equality and Diversity,
- Health and Safety,
- Welsh language,
- Violence and Aggression.

There is a specific ‘Practice Policies’ page within the Mura site template and therefore all of the practice’s policies should already be available on the website, a link to the ‘Practice Policies’ page has therefore been

included within Class 5. The practice should ensure that the 'Practice Policies' page has been completed thoroughly, including links to the policies/procedures referred to above, if so, no amendments to the template publication scheme are required for Class 5.

If the Practice has not published all of their policies on the 'Practice Policies' page, the template wording within Class 5 will need to be amended to detail which policies are available on the website and how any other policies can be accessed.

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"*.

It is recommended that you upload the practice policies as documents and link to them from the Policies and Procedures page rather than copying and pasting their content onto the page.

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](#).

Completing Class 6 – Lists and registers

Class 6 of the publication scheme requires information regarding currently maintained lists and registers. The ICO recognise that it is unlikely that GMPs are going to have registers available for public inspection, therefore it is not envisaged that any amendments will be required to the template wording within Class 6.

Completing Class 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. The Mura site template includes a specific 'Clinics and Services' page where this information should already be published. A link to the page has been included within the publication scheme template. The practice should ensure that the 'Clinics and Services' page has been completed thoroughly, if so, no amendments to the template publication scheme are required for Class 7.

Charging for Information within the Publication Scheme

The ICO model publication scheme does allow for fees to be charged as long as the fees are **justified**, **transparent** and kept to a **minimum**. [The Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004 \(SI 2004 No 3244\)](#), 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.

As a general rule, you can only make the following charges:

- for communicating the information, such as photocopying and postage. It is not considered reasonable to charge for providing information online;
- fees permitted by other legislation; and

- for information produced commercially, for example, a book, map or similar publication that you intend to sell and would not otherwise have produced.

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

“Level of charges”

- 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.”*

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

It is the opinion of the Information Governance Support for Primary Care Service that it is **not justified** for GMPs to place a charge for any of the information contained within the Mura template publication scheme.

Further information on charging for information in a publication scheme can be found on the [ICO Website](#).