

EAST AYRSHIRE COUNCIL

CABINET 1ST APRIL 2009

FREEDOM OF INFORMATION PUBLICATION SCHEME

Report by the Depute Chief Executive/Executive Director of Corporate Support

1 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek Cabinet approval for a revised Freedom of Information Publication Scheme.

2 BACKGROUND

- 2.1 The Freedom of Information (Scotland) Act 2002 – FOISA – requires that all Scottish Public Authorities maintain a Publication Scheme. A Publication Scheme acts as a guide to readily-available information and helps the public access information by providing links to web-pages and contact details for a wide range of information.
- 2.2 The initial Publication Schemes of all Councils are now due for renewal. The Scottish Information Commissioner has approved a model Publication Scheme for Scottish Local Authorities. This model scheme contains what the Commissioner considers good practice in regard to making information available to the public; as such, much of the content must be used without change. Local authorities who adopt the model Publication Scheme may make some changes to specific sections to reflect their particular circumstances. New Publication Schemes must be submitted to the Commissioner for approval by 4 April 2009.
- 2.3 In February 2006 the former Policy and Resources Committee agreed to the current Publication Scheme. That Committee also agreed to changes to the Scheme of Delegation, as set out below:
- (a) Where no approval or notification is required, changes can be made by the Freedom of Information Officer
 - (b) Where the Commissioner should be notified, changes could be approved by the Head of Administrative and Legal Services (but following the last departmental restructuring with effect from 1/4/07 this has since been transferred to the Head of Democratic Services and the Scheme of Delegation further amended accordingly)
 - (c) Where the Commissioner's approval is required for changes we will seek the approval of this committee prior to contacting the Commissioner.

As this revised Publication Scheme falls into category (c) Cabinet approval is required.

3 PROGRESS

- 3.1 The model Publication Scheme was approved by the Commissioner in late November 2008. Since that time the Freedom of Information Working Group has worked to incorporate this model scheme and customise it (as far as we are permitted) to suit our needs.
- 3.2 The proposed Publication Scheme, running to approximately 130 pages is available in the Members' Information Point and on Members' portal.
- 3.3 The Publication Scheme is structured in line with the Scottish Navigation List (SNL) which is the recognised standard for web-based Council information. A comprehensive range of information is included, covering for example: details of Members, Committee agendas and minutes, Education Services, Social Services, how to apply for grants and assistance, Community Planning, Financial reporting, performance and many other areas

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications associated with this proposal.

5 POLICY/LEGAL IMPLICATIONS

- 5.1 A revised Publication Scheme is required in accordance with FOISA.
- 5.2 Following the last departmental restructuring with effect from 1st April, 2007 responsibility for Freedom of Information matters now lies with the Head of Democratic Services while the Head of Legal, Procurement and Regulatory Services remains responsible for the conduct of internal reviews when sought in respect of refused or partially refused requests for information, prior to any formal appeal to the Scottish Information Commissioner.

6 PERSONNEL IMPLICATIONS

- 6.1 There are no staffing implications in relation to this proposal.

7 COMMUNITY PLANNING IMPLICATIONS

- 7.1 There are no direct Community Planning implications. The Publication Scheme contains several references and links to Community Planning information so this should aid access and involvement by the public.

8 RISK IMPLICATIONS

- 8.1 There are no additional risks associated with this proposal.

9 RECOMMENDATIONS

9.1 It is recommended that Cabinet :-

- (i) approve the revised Publication Scheme;
- (ii) remit to the Depute Chief Executive/Executive Director of Corporate Support to present the revised Publication Scheme to the Scottish Information Commissioner for his approval; and
- (iii) agree that, due to time constraints regarding the submission of the new Publication Scheme to the Information Commissioner for approval by 4 April 2009, this decision will be implemented in advance of any consideration by Governance and Scrutiny Committee under the call in procedure, as to delay submission would prejudice the Council's position.
- (iv) otherwise to note the contents of this report.

Elizabeth Morton

Depute Chief Executive/ Executive Director of Corporate Support

18 March 2009

BACKGROUND PAPERS

Revised Publication Scheme

Any person wishing further information on this report should contact
Bill Walkinshaw, Head of Democratic Services, 01563 576135

Implementation Officer: Colin Urie, Freedom of Information Officer