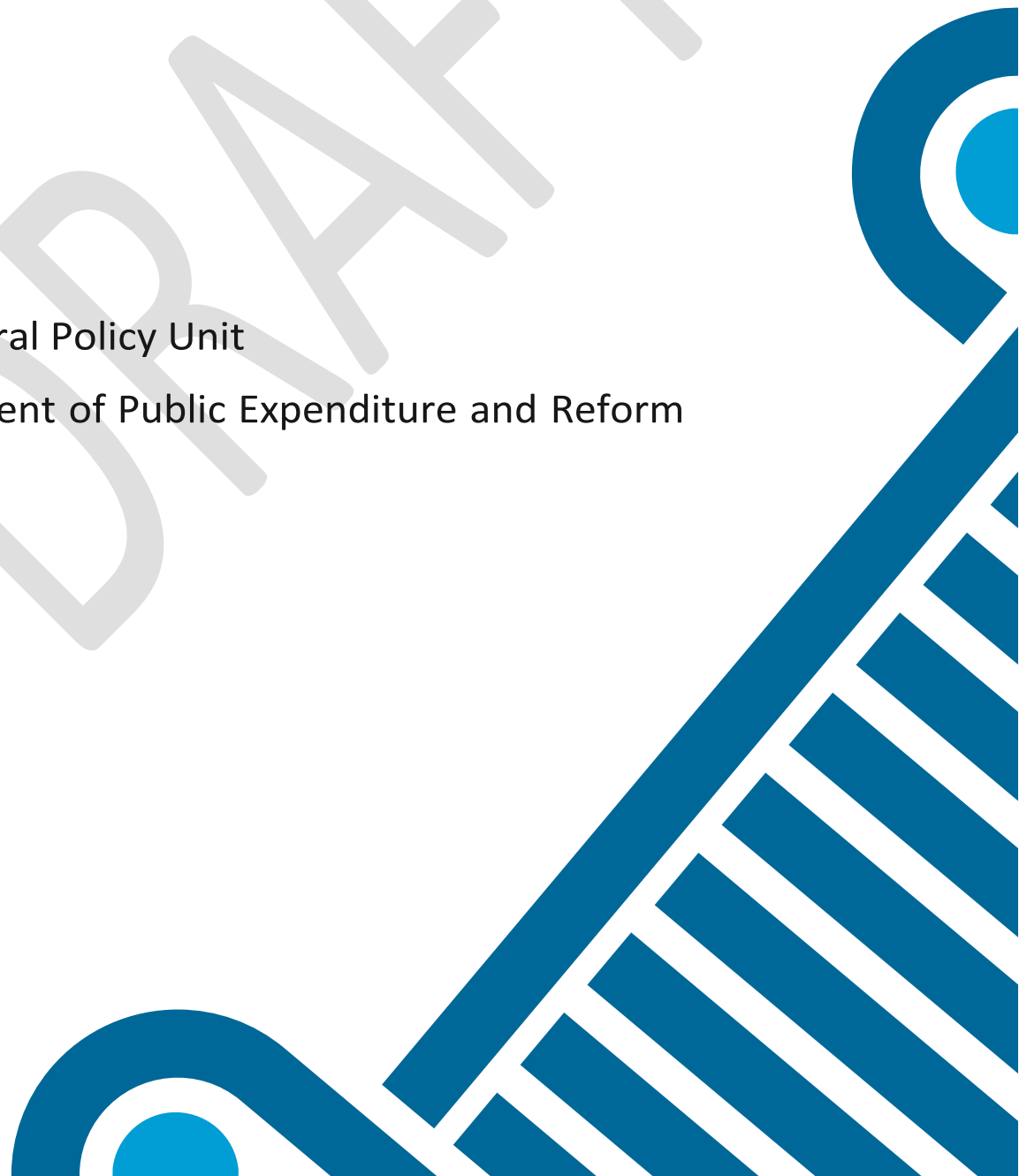


Freedom of Information Model Publication Scheme Guidance

FOI Central Policy Unit
Department of Public Expenditure and Reform



DRAFT

Model Publication Scheme - Guidance

The model Publication Scheme set out under separate cover has been approved by Mr Brendan Howlin, TD, Minister for Public Expenditure and Reform under Section 8(7) of the Freedom of Information Act 2014 and must be adopted by all FOI bodies in the required format as specified below. This does not preclude an FOI body from providing additional information as part of its publication scheme.

1. Introduction

Section 8 of the Freedom of Information Act 2014 requires FOI bodies to prepare and publish a scheme concerning the publication of information by the body in conformity with a model publication scheme or guidelines made by the Minister. This allows for the publication or giving of records outside of FOI provided that such publication or giving of access is not prohibited by law. The Minister is of the view that FOI bodies should publish as much information as possible in an open and accessible manner on a routine basis outside of FOI, having regard to the principles of openness, transparency and accountability as set out in Sections 8(5) and 11(3) of the Act. In the absence of a direction to adopt an alternative format appropriate to a particular class or size of FOI Body, the Minister has made the model scheme which is fully in compliance with Section 8 of the FOI Act for adoption by all FOI bodies. The scheme commits FOI bodies to make information available as part of their normal business activities in accordance with the scheme.

The Act requires that in preparing, reviewing or revising a publication scheme, an FOI body shall have regard to the public interest in:

- (a) allowing public access to information held by the FOI body;
- (b) the publication of reasons for decisions made by the FOI body; and
- (c) publishing information of relevance or interest to the general public in relation to its activities and functions generally.

2. Publication Methods and Review

Under the Publication Scheme, each FOI body shall:

- Set out information to assist members of the public in their understanding of the body and its functions;
- Publish the information it holds grouped under the information headings set out in Section 3 below; and
- Explain the procedures to get access to information or to establish what information the body holds.

There will be circumstances where an FOI body may indicate in its Publication Scheme that a particular item is “not applicable” (“N/A”). These circumstances arise where:

- the body does not hold the type of records concerned;
- the body is only subject to FOI in part and the type of records listed in the scheme are exempt; or
- the information is exempt under one of the FOI Act exemptions or is prohibited by some other statute, licence or regulatory decision.

The publication schemes of FOI bodies should be easily accessible to the public. In addition to publishing the scheme on the FOI body’s website, Section 8(6) of the FOI Act provides that each body should maintain a

printed version of the scheme at the body's Head Office which should be available for a member of the public to view during normal office hours at 24 hours' notice. It is intended that the basic scheme is all that is required to be kept in a printed version. Information in the scheme which is available by way of a link should be made available for viewing on-line on a case by case basis if required.

An FOI body should publish its publication scheme not later than 6 months after the commencement of Section 8 of the FOI Act 2014 or not later than 6 months after the Minister has, under Section 8(7) of the FOI Act, made or revised guidelines on publication schemes or made or revised model publication schemes such that the publication scheme of the FOI body is no longer in conformity with the Minister's guidelines or model publication scheme.

An FOI body should review and update its publication scheme not later than three years after it is made and every three years thereafter. The material published under the publication scheme should be reviewed and revised at least on an annual basis. Links should be deleted as they are replaced with more updated information. Information referred to in the Publication Scheme should be stored consistent with the FOI body's records retention policies.

The Information Commissioner may, in accordance with Section 8(10) of the FOI Act 2014, examine and report in his annual report on the extent to which, in the opinion of the Commissioner, FOI Bodies are in compliance with Section 8.

3. Publication Format

The publication scheme should be displayed prominently on the FOI section of the Body's website. The information should be grouped into the classes which are displayed below and should be easy to use with headings that are easily understood. The information should either be displayed as part of this scheme or by way of a link to information held elsewhere on the organisation's website. There is no requirement for an organisation to reproduce information on the webpage where the scheme is located, it is sufficient that a member of the public can click on a link to access the information.

The model Publication Scheme sets out the minimum level of information that should be provided by an FOI body on its website as part of its publication scheme. Consistency needs to be achieved in terms of the publication of the Information under this scheme, not only in terms of the type of information but also in terms of the format that this information appears on the websites of FOI bodies. On that basis, the model publication scheme requires information to be provided on the websites of all FOI bodies in tabular form under the 6 headings shown as set out below. This will ensure consistency and ease of access for all requesters. Within each tab, there should be a link to the relevant information. Where such information is extensive, or where it is otherwise deemed appropriate, the FOI body may use sub-headings within each tab to make the information more easily accessible. Sub-headings are provided in the model publication scheme.

| Information About the FOI Body | Functions and Services Provided or to be provided to the Public | Decision Making procedures relating to the Functions and/or Services provided to the Public |
|--------------------------------|---|---|
| Financial Information | Procurement | Information Routinely Published and Miscellaneous |