



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 Practices in populating the information governance related templates currently available within the new Mura website. By following this guide 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

The **Freedom of Information Act (2000)** 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 organisation's '[Guide to information provided by GPs under their model publication scheme](#)', specifying what information it will publish and how it's available.

To aid GMPs in meeting their 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 of 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.

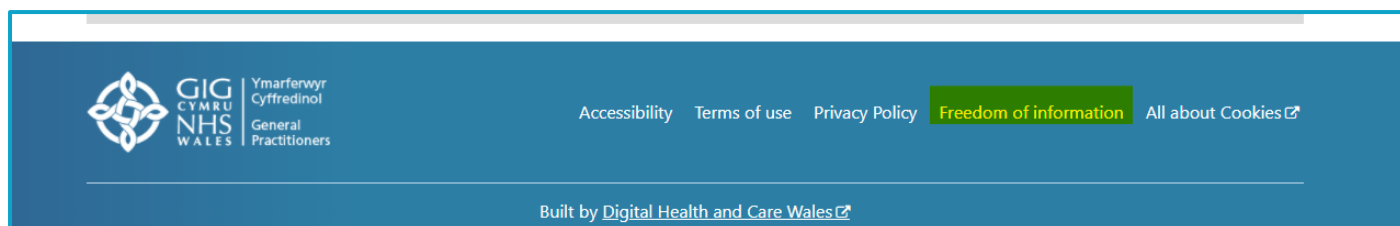


Image 1

Home > Freedom of information

Freedom of information

The Freedom of Information Act 2000 (FOIA) is designed to increase transparency; providing members of the public the opportunity to routinely access information held by public authorities, such as the Practice, subject to certain exemptions. 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.

In accordance with the FOIA, the Practice has produced a **Publication Scheme**.

Requests for information under the FOIA must be made in writing, for example, in a letter or an email, providing your name and either a postal or email address. The Practice has 20 working days to respond to your request.

If you would like to make a request for information, please find our correspondence details below:

GP Surgery

-  My GP Surgery Name
-  22 GP Surgery Lane, Town, City
-  enquiries@wales.nhs.uk
-  02920 111222

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 available on the website, in these cases a link to the relevant page has been added to the template wording for that class. **Please note:** these are reliant on the linked to pages being completed thoroughly.

Some of the information required within the classes will not already be published on the website, however if the practice holds the information, the practice are 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 of the website, therefore a link to the page has been included within the template. Check that the 'About Us' page has been completed thoroughly, 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, *'This 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 are required to complete Class 3 themselves, however examples from the ICO of recommend information to be included are detailed within the template. Other priorities the Practice may wish to include are QAIF, Healthier Wales, IG Toolkit, Covid-19 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 guidance 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.

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
- Covid-19
- 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. Check 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, the template wording within Class 5 should 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 on the Policies and Procedures page 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 if they wish, 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 GPs 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. Check 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.

There is an expectation that public authorities will account for how they spend public funds. Therefore, where a Practice receives monies from NHS Wales in exchange for services provided to patients, they are expected to disclose this information without charge. However, if the Practice prefers to not make this readily available on their website, they should state that it is available on request.

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 or if the information is held electronically;
- 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.”*

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

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.