



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

The Development and Maintenance Initiative (DMI) Newsletter

1.0 Edition 1 – Setting the Scene

Welcome to the first edition of the Information Commissioner's Office's DMI Workshop newsletter.

We'd like to start by thanking those who attended the first workshops, and the wider FOIA networks for your contributions to the initiative. The first workshop was the initial step in the process of developing a new approval criteria for publication schemes. This will translate into new model schemes for each of the sectors.

Rather than providing a verbatim account of the discussions which took place at the first round of DMI workshops, this newsletter features the high-level issues of relevance to all sectors. Circulars drilling down to the sector specific issues are also available.

If you would like to contribute to the initiative, we'd like to hear from you. Your observations and suggestions can be sent to Paul Damerill at paul.damerill@ico.gsi.gov.uk

2.0 The ICO's approach

What high level changes are likely to result from the DMI?

In addition to the extension of the deadline for resubmission for all sectors until 2008 (which has already been implemented), the expected output of the initiative can be summarised as follows:

- A move towards the greater use of model schemes, with the development of core classes for the various sectors;
- Greater use of the web to disseminate information within schemes;
- The implementation of consistent maintenance and dissemination regimes for all sectors;
- The scheme is a commitment to the categories of information which will be routinely published, effort should be focused on the content of the scheme and how that can be routinely made available and easily accessed;

- A streamlined approval process.

How will the ICO ensure that the requirements of Section 19 are taken seriously?

- By ensuring there is sufficient awareness of the regulatory powers available to the Commissioner.
- By raising public awareness of public authorities' obligations to routinely make information available.
- By ensuring any regulatory action is proportionate and balanced with the recognition that many authorities are already adhering to the requirements of Section 19.

Do authorities have any responsibilities under the Section 45 and 46 Codes of Practice in respect of schemes?

- The [Section 45 Code of Practice](#) encourages authorities to provide:
 - their procedures for dealing with requests for information (under the general rights of access)
 - information as to where an applicant can direct a request
 - who to contact for advice and assistance
- There is no direct reference to publication schemes in the [Section 46 Code of Practice](#), however sections 8.4 (record keeping) and 8.7 (record maintenance) are particularly helpful in respect of good record keeping, which is an essential framework for an effective scheme.



How does the ICO envisage the future approval process?

- Likely to be a web based tick-box submission / 'adoption' process for model schemes.
- Once the adoption process is completed, the ICO will consider how best to monitor performance to ensure the dissemination of information is sufficiently comprehensive .

2.1 Observations on current schemes

Are authorities meeting the requirements of Section 19?

- Those authorities who have participated in the initiative to date have met the minimum requirements of Section 19 but the ICO is aware that this is not always the case.
- At present there is little prescriptive guidance on how authorities should disseminate information. Additionally, there is little statistical information on the most frequently used methods of dissemination.
- The ICO recognises that the methods of delivering schemes to the public are as important as the information contained within them and intends to be more proactive in this area.
- In practice, many schemes remain unchanged from the date of commencement.
- The relevance of schemes quickly deteriorates if the information within them is not kept up-to-date.
- In some authorities, staff and organisational changes have resulted in schemes floundering with no clear ownership.

What action can be taken to ensure that schemes are up-to-date and relevant in the future?

- Low maintenance schemes, with a practical means of carrying out (and seeking approval for) amendments would be beneficial.
- Staff using schemes for reference could act as a quality assurance measure, scouting out broken links and outdated information.
- A back to basics approval criteria may secure buy-in from authorities and ensure that schemes are more readily updated.
- Competing demands upon resources may result in minimum input into schemes. The ICO can ensure that those authorities who presently provide minimal information are encouraged to be as proactive as possible by the introduction of mandatory classes.
- Guidance and support will be provided to authorities by way of sector specific support packs.

2.3 The public's understanding of 'publication schemes'

How useful are publication schemes as a public means of access to information?

- In some authorities, schemes are no longer part of day-to-day businesses and information management practices, and are continuing to decline, reflected in low levels of public awareness.
- The public are likely to submit a request under the general rights of access (Section 1) without consulting the publication scheme.



How can public awareness be improved?

- Public perception and expectation is critical to ensuring that schemes operate effectively. If the public cannot understand the purpose of a scheme or it becomes too internally focussed, the scheme is less likely to be successful.
- Whilst a move towards greater dissemination is welcomed, there is a danger of producing schemes which are detailed to a level by which they become inanimate lists of information. Conversely, if schemes are too simplistic they may reduce the level of information disseminated. It is important to balance each of these arguments and try to achieve flexibility within schemes.
- Whilst Section 19 of the Freedom of Information Act 2000 (the 'Act'), binds authorities to the term 'publication scheme', it may be more pragmatic to place greater emphasis on accessibility to information. 'Access' is better understood by external audiences.

2.4 Technology and Publication Schemes

How do websites and publication schemes relate?

- Virtually all medium to large scale authorities have comprehensive websites in operation. Arguably, hard copy publication schemes as a 'living document' have been superseded.
- As websites are the primary vehicle for information dissemination, it seems practical to align publication schemes within the architecture of websites.



How can websites and schemes be aligned?

- It would be helpful if a commonality in scheme content and structure could be implemented. A common vocabulary for data is imperative in supporting electronic government and modernisation targets.
- A move towards web based schemes could help to avoid the duplication of effort which often arises from having both a 'publication scheme' and a similarly constructed website.
- There are currently a number of [government initiatives](#) in place to improve web accessibility and standardisation.

It seems websites will be the most practical way of delivering schemes to the public. Are there any other issues to consider?

- Some authorities support the work of joint initiatives that may not be subject to the provisions of the Act. Ownership of the associated shared sites can be a problem, particularly when presenting shared information to the public.
- The [Integrated Public Sector Vocabulary \(IPSV\)](#) has been suggested as a starting point for the development of classes, not least because the vocabulary may help to reconcile class headings with terms for use within search engines. IPSV brings together three of the vocabularies which public authorities can use to label information into one taxonomy. IPSV can be used to populate metadata and to categorise information.
- IPSV is explored in more detail as part of the sector specific circulars.
- The accessibility needs of the public including the elderly and disabled must be considered. The ICO must also ensure that smaller authorities without web access are not disadvantaged by the drive for web based schemes.
- As further advancements in information delivery (e.g. web enabled mobile phones) are achieved an element of future proofing should be built into schemes if possible.

2.5 Environmental Information

Do authorities need to include environmental information in schemes?

- The EIR do not require authorities to have a publication scheme in place. However, it would be pragmatic to consider the duty placed upon authorities under Regulation 4 of the EIR.



- The ICO does not wish authorities to have EIR as a class of information. It would prefer environmental information to be contained throughout the broader classes.
- Article 5 of the Convention on [Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters – June 1998](#) (the Aarhus Convention), is helpful in establishing the type of environmental information which should be made available routinely.

2.6 Cost of providing information

How should authorities approach the issue of charging?

- Authorities who do intend to recover costs need to ensure that charges associated with providing information via a publication scheme are distinct from ‘fees’ under Section 9 of the Act.
- The cost of raising an invoice often outweighs the actual cost of providing the information.
- It may be prudent if required to make reference to charges for archive services within schemes.
- Authorities may seek to set parameters on the age of information within schemes.
- The Commissioner is keen to avoid circular Section 50 complaints related to cost issues and will seek to create a standard paragraph to outline the Commissioner’s view on publication scheme charges.
- Commonality in charging regimes is also a problem. It would be helpful to the public if there was consistency within sectors and ideally, across sectors.

2.7 Data Sharing

Should authorities allude to data sharing within schemes?

- The ICO will seek to provide a standard paragraph on the processing of personal data/data sharing.
- The sensitivities of shared information, whereby authorities’ views differ on whether data is exempt could frustrate attempts to create mandatory classes.

2.8 Presenting classes

How should authorities approach classes?



- 'Class' is not necessarily a meaningful term. Members of the public are more likely to be familiar with terms such as 'category', 'topic' or 'heading'. The public facing element of schemes will move away from the language used by Section 19 towards a more user friendly terminology
 - Where possible information should be confined to one class, rather than spanning multiple classes
 - Care must be taken to avoid achieving commonality at the expense of producing something meaningful
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- Classes will need to be accompanied by explanatory paragraphs to provide context.
 - As the DMI progress, the ICO will lead on creating mandatory and optional classes for the sectors.