

Publication Scheme Notification

Internal management procedures



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Glossary and abbreviations

Term used	Explanation
MPS	Model Publication Scheme

Cross-referenced VC documents (for internal use)

VC No	VC name
69809	C2 Model Publication Scheme v01 CURRENT ISSUE
69812	C2 Model Publication Scheme: Guide for Scottish Public Authorities v01 CURRENT ISSUE
69676	C2 Model Publication Scheme: Notification form v01 CURRENT VERSION
69815	C2 Model Publication Scheme: Self-assessment Checklist v01 CURRENT ISSUE
44845	C2 Investigations Handbook v01 CURRENT ISSUE

Overview

Notification policy

1. The function of notification is to ensure that authorities have complied with their duty to adopt a publication scheme that has the Commissioner's approval. We monitor compliance with other aspects of the publication scheme duty through annual mystery shopping style research and our intervention work.
2. Our policy is to require only new authorities to notify us when they adopt the MPS for the first time.
3. Thereafter, authorities must continue to publish a Guide to Information under the MPS and keep the Guide up to date, incorporating good practice from new editions of the Model Publication Scheme. They do not need to notify us again unless there is a substantive organisational change such as a merger with another authority.

Background

4. In March 2016, we reviewed our approach to publication scheme notifications. We found:
 - (i) All Scottish public authorities had adopted the MPS.
 - (ii) The notification process provides a basic level assurance of whether an authority has published a Guide to Information.
 - (iii) Publication scheme monitoring considers quality of publication practice and therefore provides better assurance of compliance.
 - (iv) Publication scheme monitoring is also more efficient and effective than the four-yearly notification cycle.
5. The SIC wrote to all authorities (69200) in March 2016, setting out the revised approach.
6. The revised approach is set out in paragraphs 9 to 11 of the Model Publication Scheme (pasted here for ease of reference).

- Authorities adopting the model publication scheme for the first time must notify the Commissioner that they have done so. Thereafter no further notification is required unless the Commissioner has revoked approval (because the authority is not complying with the scheme).
- The Commissioner will regularly review the model scheme and will consult authorities before making any substantive changes. The Commissioner will notify authorities of any changes.
- The Commissioner will continue to monitor the effectiveness of authorities' application of the model publication scheme. As required, she may contact individual authorities about practice issues, in line with her Enforcement Policy.

7. *Note: at the time of writing this procedure, the Workpro Administration record for each authority shows the publication scheme status of each authority, including the date of last approval. The field “Next expiry date” is now redundant, and should be ignored. The field will be removed from Workpro to avoid future confusion.*

Guidance for authorities

8. C2 Model Publication Scheme: Guide for Scottish Public Authorities provides full details of the requirements attached to adopting the MPS. Our management of the process focuses on two elements of these requirements:
- (i) Publishing a Guide to Information
 - (ii) Submitting a notification form to us.
9. All the publication scheme resources, including the above Guide and the notification form can be accessed online at www.itspublicknowledge.info/mps

Roles and responsibilities

10. **HOPI** has lead responsibility for publication schemes. This includes:
- (i) Oversight of the publication scheme approval process and reporting progress.
 - (ii) Ensuring staff are aware of their roles and responsibilities, providing training and guidance to support them.
 - (iii) Taking any final decision to refer an authority for enforcement action.
11. **HOE** has lead responsibility for any enforcement action, including breaches of the publication scheme duty.
12. **Lead Officers** are responsible for providing advice and support to authorities throughout the period until the notification has been completed. Lead Officers:
- (i) Answer enquiries and point authorities to resources.
 - (ii) Help new authorities to understand their duties.
 - (iii) Follow up non-compliance and, where appropriate, make recommendations to HOPI for enforcement action.
13. **Administrators** are responsible for:
- (i) Setting up and maintaining publication scheme files during the notification process.
 - (ii) Checking and filing notification forms, and updating case records.
 - (iii) Managing the publication scheme email box, forwarding enquiries to Lead Officers.
14. **Enforcement Officers** are responsible for:
- (i) Managing and administering Level 4 interventions (enforcement) of individual authority compliance, including publication schemes.

All staff are responsible for good records management practice for publication scheme case files for the period they are case owner.

Submission stage

Administration and alerting the authority

Setting up a publication scheme case file

15. When asked to add a new authority to the Administration/Authority database, an Administrator should also open a publication scheme case file.

Exceptions

16. We do **not** open publication scheme files for:
- (i) bodies subject only to the EIRs as they are not subject to the publication scheme duty.
 - (ii) bodies listed in paragraph 33 of Schedule 1, for which we automatically assume notification:
 - (a) General practitioners
 - (b) Dental practitioners
 - (c) Ophthalmic practitioners and optometrists
 - (d) Pharmacists
17. Occasionally we will receive a notification from one of these bodies. See **Letter 7 – Notification forms from GPs, dentists, opticians and pharmacists**. All such correspondence should be saved as an enquiry.

In the Submission tab

- (i) Case Opened date: auto populated.
 - (ii) Date of Expiry of Current Scheme: leave blank.
 - (iii) Submission Due Date: if you know the due date, enter it. If you don't know the due date, leave the field blank
 - (iv) Save
18. If you do not know either the name of the Lead Officer or Submission Due Date
- (i) Send an email to the HOPI requesting the information.
 - (ii) HOPI must provide you the information within 2 working days.

Alerting the authority

19. The Administrator should issue
20. **Letter 1 – Initial publication scheme duty alert to new PA** to the new authority within 2 working days of receiving the name of the Lead Officer.
- (i) Update the Submission tab as follows:
 - (ii) Submission Due Letter issued: Authority Alerted: enter date letter sent
 - (iii) Save

- (iv) Set up a calendar reminder for the Submission Due date.
21. Further Administrator actions are prompted by either:
- (i) submission of a notification form (go to **Notification submissions**),
 - (ii) the submission due date has passed without a notification submission (go to **Failure to submit notification form by the Submission Due Date**).

Support for new authorities

22. The P&I Team provides support for new authorities designated under section 5 of FOISA. This includes information about publication scheme compliance and advice about developing a Guide to Information.
23. Where a body is designated via section 4 or section 6, the Lead Officer should form a view about the appropriate level of support to be provided. For example,
- (i) A new authority formed as a result of a merger of two predecessor authorities will be familiar with publication schemes. The authority will need minimal support and advice to create a merged Guide to Information and comply with the notification process.
 - (ii) New authorities created by primary legislation often need significant support to identify the types of information they should publish.
 - (iii) Publicly owned companies are likely to have the support of their “owning” authorities so are unlikely to need a lot of support from us with their publication scheme duties.
24. The Lead Officer should make contact as soon as possible with the new authority, offering the appropriate level of support.

Notification submissions

25. Notification forms are received via the publicationschemes@itspublicknowledge.info email box. An auto response confirms receipt and advises we will respond to enquiries within 5 working days.
26. The **target time for responding to notification forms is within 5 working days of receipt**.
27. Notification forms are in two parts:
- (i) Part 1: The Authority (or Company). Required information which we may publish on our website
 - (ii) Part 2: Contact details. Required information for our administrative database, which will not be published on the website.

Workpro instructions

28. In Case Summary
- (i) Check the address and contact details in Part 2 of the notification form match the case summary details. If changes are required, update the Authorities database in WorkPro.

- (ii) Remember to select the 'update staff on open cases' button. This will update all the amended details, including any changes to the address in the publication scheme case.

In Submission tab

29. Open the Submission tab and click Edit.
 - (i) Submission Received: Yes /
 - (ii) Scheme Submission Date: date received
 - (iii) Scheme Type: Model
 - (iv) Model Scheme: Model Publication Scheme
 - (v) Save
 - (vi) Move to Validation/Approval
30. Proceed to **Validation instructions**.

Failure to submit notification form by the Submission Due Date

31. This section sets out the procedures Administrators are to follow when authorities fail to submit a complete notification form by the Submission Due date.

Issuing a reminder

32. 5 working days after the Submission Due date, the Administrator should:
 - (i) Open the publication scheme case file at Submission stage.
 - (ii) Submissions Details: select No.
 - (iii) Issue **Letter 2 – Failure to submit**
 - (iv) Failure to Submit Letter issued: date Letter 2 sent
 - (v) Revised Submission Date: as Letter 2
 - (vi) Save
 - (vii) Set calendar reminder to check response.

Actions following issue of Letter 2

33. There are three likely outcomes from Letter 2. The target time for Administrators to action a response is 5 working days from receipt or 5 working days after the Revised Submission Due Date

The authority asks for an extension of time

34. The Administrator may agree (once only) to extend the Revised Submission Due Date by up to a further 5 working days and:
 - (i) Revise the Revised Submission Due Date to show the agreed deadline
 - (ii) Record the reason why an extension was granted in a note in the case file.
 - (iii) Set a calendar reminder to check compliance.

35. Sometimes an authority will explain that it cannot meet the Revised Submission Due Date, even with an extension. Sample response: “Unfortunately we’re not able to offer a further extension. If you are unable to meet the new deadline, it is likely that the case will be referred for possible enforcement action. There will be a short period before any action will start, but it is very important you send us the notification form as soon as you possibly can.”

The authority submits a notification form

36. The Administrator should:
- (i) Complete the Submission Received field: Yes – after failure to submit
 - (ii) Save. Move to Validation/Approval
 - (iii) Follow the procedures for **Validation**

No response to Letter 2

37. On the next working day after the response was due, the Administrator should:
- (i) Send an email to the Lead Officer listing the history of the case and the reason for referral
 - (ii) Transfer the case to the Lead Officer

Cases referred to Lead Officers

38. The Lead Officer should follow the procedures set out in **Referrals to Lead Officer**

Validation / Approval stage

39. This part of this procedure applies when an authority submits a notification form.
40. The purpose of the notification process is to check whether the authority has adopted the MPS. The test is simple: can we find the authority's Guide to Information?
41. We do not look at the quality of the Guide at notification. This is the function of our MPS monitoring.
42. The notification process is managed by Administrators.

Validation

43. In the Validation / Approval tab, the first three boxes are auto-populated.
 - (i) Validation By: your name
 - (ii) Validation Date Actual: today's date

Validation checks

44. Perform two validation checks:
 - (i) Have all the fields in Parts 1 and 2 of the form been completed?
 - All of the fields are required.
 - (ii) Has the authority published its Guide to Information?
 - Click the URL provided in "Website address of the authority's Guide to Information".
45. If you can answer "Yes" to both questions, the submission is complete.
46. If you **cannot** answer "Yes" to both questions, the submission is deficient.
47. There are helpful tips for the validation checks in **Appendix 3 – Validation Tips**. If you have any concerns about interpreting the results, contact the Lead Officer for advice.

Actions following validation

If the submission is complete:

- (i) Select Validation Outcome: Submission Complete (or Submission Complete after Resubmission / Submission Complete after Enforcement, whichever applies)
- (ii) Copy and paste the URL provided into Scheme Guide URL
- (iii) Validation Date: (today's date)
- (iv) Next Expiry/Review Date: leave blank
- (v) Save
- (vi) Send **Letter 4 – Submission Complete** and record date sent in Validation Details Comment box

- (vii) Save.
- (viii) Close case.

If the submission is deficient:

- (i) Select Validation Outcome: Deficient Submission
- (ii) Select the Deficiencies that apply (multiple options can be selected)
- (iii) Send **Letter 5 – Deficient submission** deleting all text that does not apply.
- (iv) Enter Deficient Submission Date: date submission received
- (v) Enter Revised Submission Date (as Letter 5).
- (vi) Save
- (vii) Set up a calendar reminder.

Outcomes of Letter 5 (deficient submission)

48. There are several possible outcomes to Letter 5, including:

The authority asks for an extension

49. The Administrator may agree (once only) to extend the Revised Submission Due Date by a further 5 working days. If so, the Administrator should:

- (i) Revise the Revised Submission Due Date to show the new date, and
- (ii) Record the reason in the Comments box under Validation Outcome.
- (iii) Confirm the extension to the authority by email and save the email in the Workpro file.

50. If the authority says it cannot meet the extended date, the advice at **paragraph 44** may be useful.

The authority resubmits the notification form

51. The Administrator should, within 5 working days, perform the **Validation checks** for the new notification form.

If the submission is complete

52. The Administrator should:

- (i) Enter Validation Date: today's date
- (ii) Select Validation Outcome: Submission Complete after Resubmission
- (iii) Copy and paste the URL provided in the notification form into the box Scheme Guide URL
- (iv) Validation/Approval Date (today's date)
- (v) Next Expiry/Review Date: leave blank
- (vi) Save
- (vii) Issue Letter 4 – Submission Complete

- (viii) Save. Close case.

If the submission is deficient

53. the Administrator should:

- (i) Select Validation Outcome: Deficient Submission - refer for Enforcement
- (ii) Referred Date: leave blank
- (iii) Referred To: leave blank
- (iv) Send an email to the Lead Officer, listing the action taken so far and the reason for referring the case. This should include a list of the deficiencies in the submission.

Cases referred to Lead Officers

54. Lead Officers should follow the procedures in **Referrals to Lead Officer**

Enforcement stage

Introduction

55. This section applies when an authority has:
- (i) failed to notify us it has adopted the MPS, or
 - (ii) made submissions that are incapable of approval.
56. In both cases, the authority has failed to meet its publication scheme duty and appears to be in breach of section 23 of FOISA.
57. Please remember that the notification process applies only to new authorities which have not previously adopted an MPS (see **Notification policy**).

Referrals to Lead Officer

58. On receipt of a referral from an Administrator, the Lead Officer will, within 5 working days:
- (i) Check over the actions taken so far.
 - (ii) (Depending on the time available and knowledge of an authority) search further for the Guide e.g. by entering terms such as “Guide to Information” or “Publication Scheme” into the authority’s website search engine.
 - (iii) (If appropriate) make contact with the authority to resolve any problems informally.
59. This additional work is, however, not required and in any case, must be completed within 5 working days from receipt of the request from the Administrator.
60. Occasionally, Lead Officers will find a new authority has produced a Guide to Information, but omitted to notify the SIC. In this case, issue **Letter 3 – No notification form submission, but Guide published (Lead Officers only)**.

If a notification form is submitted during the period the case is with the Lead Officer

61. The Administrator will:
- (i) Immediately notify the Lead Officer of receipt
 - (ii) Process the form according to the **Actions following validation** procedures, closing the case if the submission is complete.
 - (iii) Immediately notify the Lead Officer of the outcome.
62. If the case is now closed, the Lead Officer will notify the HOPI.
63. If the matter is **not** resolved with a competent submission within the 5 days, the Lead Officer will:
- (i) Send **Letter 6 - Recommendation for enforcement action (Lead Officer)** to HOPI, saving it in the case file.
 - (ii) Allocate the case to HOPI, through Case Properties.

Referrals for enforcement

64. HOPI will review the Letter 6 and, within 5 working days, either:
- (i) ask the Lead Officer to take further, specified action, or
 - (ii) decide to refer the case to HOE for potential enforcement action. If so HOPI will issue **Letter 3A – Warning of enforcement action** to the authority, allowing them 5 working days to submit a notification form.
65. If the matter is not resolved within 5 working days, HOPI will:
- (a) send an email to HOE, advising that the case is being referred, saving the email in the case file.
 - (b) complete the Enforcement Action fields in the appropriate case tab, referring the matter to HOE. [A new intervention case file will be auto-generated, assigned to HOE]
 - (c) Allocate the publication scheme case back to the Administrator
66. On receipt of a referral for enforcement from HOPI, the HOE will, within 5 working days:
- (i) Update the Intervention Type in the intervention case file to Level 4
 - (ii) Allocate the case to an officer (“the Enforcement Officer”). (HOE may allocate the case to herself or to a DHOE.)
67. The Enforcement Officer should complete the Intervention Tab in the case file as follows:
- (i) Date: auto populated
 - (ii) Referred by: auto populated
 - (iii) Area of Concern: publication scheme issues
 - (iv) In the synopsis, paste the reasons for referral (see Lead Officer email to HOPI).

Enforcement action

Assistance from P&I

68. Throughout this process, the Lead Officer may be asked to offer reasonable assistance to the Enforcement Officer, for example by commenting on the accuracy of references to past contact with the public authority or by commenting on whether any action taken by the authority or proposed by the authority in response to Letter 12 is or would be sufficient to allow the authority to comply with the requirements of section 23. However, it is the responsibility of the Enforcement Officer to make themselves aware of the background to the case and of the procedures involved in adopting the Model Publication Scheme in order that they can answer questions from the public authority.

Warning of enforcement action

69. Within 10 working days of the referral from P&I, the Enforcement Officer will write to the authority **Letter 12 - Failure to comply with section 23 of the Freedom of Information (Scotland) Act 2002**:

- (i) advising the case has been referred for enforcement
 - (ii) asking it to take steps to comply with section 23 of FOISA within two weeks.
70. Letter 12 must be:
- (i) sent to the Chief Executive (or equivalent) of the authority
 - (ii) copied to the person the Lead Officer has been in contact with (if any).
71. The Enforcement Officer may also wish to telephone the authority to find out (if not already known) who has responsibility for compliance with FOISA and to remind them of the action which needs to be taken. This should not delay the issuing of Letter 12.
72. The Enforcement Officer should update the intervention case file as follows:
- (i) Update the Intervention Tab, Raised with Public Authority?: Yes
 - (ii) Date Raised with Public Authority: date of Letter 12 issue.
 - (iii) Intervention Description box: "DD/MM/YYYY Letter 12 issued"
 - (iv) Notice/Recommendation Number: leave blank
 - (v) Related to Case(s): enter publication scheme case file number
 - (vi) Is follow up response from Public Authority required?: Yes
 - (vii) Status: Initial Contact
 - (viii) Outcome Date: enter Target Date as Letter 12 response date
 - (ix) Save
 - (x) Set a calendar reminder for the response date (see Letter 12).

Actions following Letter 12 (Failure to comply with section 23 of FOISA)

Notification

73. The authority may submit a notification form to publicationschemes@itspublicknowledge.info. This email box is monitored by Administrators. They will tell the Enforcement Officer that the form has been received and will follow the actions set out in **Notification during enforcement action.**

Requests for extension

74. Often an authority receiving Letter 12 will ask for an extension to the deadline, for example, because its website is currently under review (and it cannot publish its Guide to Information) or it has to seek board / committee approval.
75. By the enforcement stage, the authority will have already been given extensive advice on what it is required to do and have had significant time to resolve any obstacles to compliance.
76. The aim of enforcement action is not to protract proceedings further. In any event, the enforcement notice will give the authority at least six weeks to comply.

77. Therefore in most cases Enforcement Officers should not agree to any extension to the deadline already given. In exceptional circumstances only they may grant an extension of up to 10 working days beyond the date stated in the Letter 12. No further extensions may be granted without the HOE's approval.

Requests for advice

78. Authorities should be encouraged to refer to our [publication scheme resources](#), particularly the *Commissioner's Guide to the Model Publication Scheme*.

79. Notification queries should be referred to Administrators

80. Requests for more specific advice should be referred to Policy and Information Team.

81. All officers providing advice must:

- (i) Record advice given in the publication scheme case file
- (ii) Alert the Enforcement Officer to that advice.

82. *Note: Only the Enforcement Officer may consider requests for extension to the compliance deadline.*

Notification during enforcement action

83. The following procedures apply when, **at any stage of the enforcement process**, the authority submits a completed notification form.

84. Administrators should

- (i) **immediately** notify the Enforcement Officer.
- (ii) **within 5 working days**, perform the **Validation checks** for the new notification form.

If the submission is complete:

- (Issue **Letter 4 – Submission Complete**)
- Update the publication scheme case file as follows:
 - (a) Validation Date Actual: today's date
 - (b) Validation Outcome: Submission Complete After Enforcement
 - (c) Validation/Approval Date: today's date
 - (d) Next Expiry/Review Date: leave blank
 - (e) Save
 - (f) Close the case
- **Immediately** inform the Enforcement Officer.

If the submission is incomplete:

- Make a note in the case file, setting out why the submission is deficient
- **Immediately** forward a copy of the note to the Enforcement Officer.

- Update the publication scheme case file:
 - (a) Validation Date Actual: today's date
 - (b) Outcome: Deficient submission
 - (c) Add a note in the Comments box: DD/MM/YYYY Validation outcome after enforcement action: incomplete submission.
 - (d) Save
 - (e) Do not change any other fields.
- **Immediately** alert the Enforcement Officer to the outcome.

If the submission is complete and the publication scheme case file is closed

85. The Enforcement Officer should, within 10 working days:

- (i) Notify the authority that no enforcement action will be taken, or if an Enforcement Notice has been issued, notify the authority that the Enforcement Notice has been cancelled by issuing **Letter 14 – Cancellation of Enforcement Notice**. (This letter must be issued by the SIC, HOE or DHOE.)
- (ii) Close the enforcement case file as follows:
 - (a) Status: Complete
 - (b) Outcome Date Actual: date of notification from Administrator
 - (c) Has the Public Authority complied?: Yes – full
 - (d) Public Authority Response: provide a note of the main points in the response.
 - (e) Compliance comments: complete notification form submitted.
 - (f) Save
 - (g) Close Intervention
- (iii) Notify HOE and HOPI that the authority has complied and that the enforcement file has been closed.

If the submission is incomplete (for the first time at enforcement stage)

86. The Enforcement Officer should, within 10 working days:

- (i) Write to the authority to advise why the submission was deficient (see Administrator's email)
- (ii) Set a new deadline for compliance within 5 working days.

87. If the submission is deficient for a second time at enforcement stage, the Enforcement Officer should, within 10 working days, contact the authority to alert it that an Enforcement Notice will now be issued.

Failure to comply after Letter 12 (Failure to comply with section 23 of FOISA)

88. If, by the date set out in Letter 12, the public authority has failed to provide evidence that it has complied with section 23 or has failed to evidence that it is taking reasonable steps to comply, the Enforcement Officer will prepare a draft Enforcement Notice. Notices must be saved in the Enforcement/Compliance folder in VC, not in the Publication Schemes folder.
89. The Enforcement Notice must be prepared using the template in VC (“ENF ENFORCEMENT notice failure to adopt PSch.docx”) and must be saved in VC. A draft of the notice must be sent to HOE/DHOE for comment before submission to SIC/HOE for approval and signing.
90. When the draft has been approved, obtain a number for the Enforcement Notice from HOE/DHOE. Save the final version of the Notice in VC and mark the draft for deletion.

Naming conventions

91. The naming conventions are as follows
92. For drafts: Draft Enforcement Notice/Public Authority/WP number (e.g. Draft Enforcement Notice Dotheboys Hall 201601234)
93. For the final version: Date of issue/Enforcement Notice ENFxxx/20xx/Public Authority/WP reference (e.g. 2016 12 25 Enforcement Notice ENF006/2016 Dotheboys Hall 201601234)

Issuing the notice

94. The Enforcement Notice and covering letter (Letter 13) will be signed by the SIC or, in her absence, the HOE.
95. The Enforcement Office must notify the ETSA that the Notice is ready to be printed. The ETSA will print the Enforcement Notice and covering letter and will arrange for them to be signed and issued in line with the procedures for issuing Decision Notices in the Investigations Handbook.
96. The Enforcement Notice will be published on the SIC’s website. Arrangements for this are set out at **Appendix 4 – Publishing Enforcement Notices online**
97. The Enforcement Officer must update the intervention case file as follows:
 - (i) Date Raised with Public Authority?: date Enforcement Notice issued
 - (ii) Intervention Description: (below Letter 12 issued) insert “DD/MM/YYYY Enforcement Notice issued”
 - (iii) Notice/ Recommendation Number: number of Enforcement Notice
 - (iv) Is follow up response from Public Authority required?: Yes
 - (v) Status: Monitoring
 - (vi) Set a calendar reminder for the compliance date.

If the Enforcement Notice is complied with

98. Where the Enforcement Notice is complied with, action should be taken in line with **If the submission is complete and the publication scheme case file is closed.**

If the Enforcement Notice is not complied with

99. The Enforcement Officer must notify the HOE immediately in the event that the Enforcement Notice is not complied with. The HOE will take enforcement action in line with the Investigations Handbook.

Appendices

Appendix 1 - Publicly owned companies

General background

1. A “company” in section 6 refers to bodies that must be registered (“incorporated”) with Companies House. If a company is not registered with Companies House, it cannot be a section 6 company.
2. Companies have to provide to Companies House the following information:
 - (i) The company name and address
 - (ii) The name of at least one director and one shareholder
 - (iii) A memorandum of association
 - (iv) Details of shares
 - (v) “Articles of association” which describe how the company is run
 - (vi) Annual accounts
3. i.e. a lot of information they have to publish through the MPS. This information is available online.

Company status

4. Companies House requires companies to report formally their status: active or dissolved. You can check a company’s status via the following web check service <http://wck2.companieshouse.gov.uk/wcframe?name=accessCompanyInfo>. Most of the information is free of charge, some information is available on a payment of £1 fee. Do note that sometimes company names change and you may have to work through current, dissolved, previous and proposed name options to be sure that an authority is not listed.

Dormant companies

5. Although companies are registered as either “active” or “dissolved” in the Companies House register, you may be informed by an authority that a company’s status is dormant i.e. it has not been dissolved, but it has stopped trading.
6. In this case, we assume notification by the company (we do not require them to submit notification forms). This is because there is no advantage to be gained from dormant companies notifying us that they have adopted a publication scheme; all of the information they could publish is already available from Companies House. Any previous information (if held) could still be requested. It is important to note that dormant companies could be reactivated at a later date.
7. If you are told that a company is dormant, you must check Companies House register and look for any indication that the company is dormant. Its status on the first results page will be showing as “active”, so you need to look for relevant evidence of the company’s dormant status under the “last Accounts Made Up To” and/or the “Nature of Business” sections.

Retain a note of that check. If there are no obvious signs on the register that the company is “dormant” then you need to ask the authority to provide us with evidence to support its claim that the company is dormant. It is a rare occurrence, but it has happened.

8. If you confirm the company is dormant, make a note in the publication scheme case file and ask an Administrator to close the case. The Administrator should select Assumed adoption as the Validation Outcome .
9. If you find that the company is still active, it must submit a notification form.

Dissolved companies

10. Dissolved companies are those that have closed down altogether. The process of dissolution includes assigning any assets (including information holdings) elsewhere. If you confirm that a company is dissolved, make a note on file and ask an Administrator to close the case. The Administrator will also mark the authority “inactive” on our admin database and add relevant dates in the comments box of the authority record.

Not a publicly owned company

11. If a body tells you it is not a publicly owned company, or you have doubts about whether it is wholly publicly owned, you need to refer to the definition of “publicly owned company” (POC) in section 6 of FOISA. A POC is a company that is wholly owned by one or more public authorities or publicly owned companies (see our legal advice on multiple public authority ownership in VC8295).
12. If the company cannot tell you its status, you will need to check the company’s Articles of Association and Memorandum of Association for details of who owns the company, both of which are lodged at Companies House. We can download these for free from the Companies House Beta Web Check service.
13. It can be difficult to establish ownership, even from these documents. The relevant clause is likely to be “Ownership” or “Shareholders”. In a company limited by shares, the shareholders are the owners. In a company limited by guarantee, there are no shareholders, and the owners of the company are referred to as “members”. Directors of a company are not the owners. It’s important to bear in mind that there may be a chain of subsidiaries to follow before it becomes clear whether a company is publicly owned.
14. If you should establish that the company is not wholly publicly owned, save the correspondence and any attachments in the case file. Ask an Administrator to close the case. The Administrator will mark the authority as INACTIVE in the Administration / Authority record and note the date in the comments box.

Subsidiaries of POCs

15. Where a POC owns a subsidiary company in its entirety, that subsidiary will also be a POC. If the subsidiary is jointly owned by a POC and another body, you will need to check whether the subsidiary is wholly publicly owned: the same check applies.

Charitable status

16. Sometimes companies will mention that they are charities. Registration with OSCR does not affect FOISA designation.

Mixed boards / membership representation

17. Sometimes companies will mention that their board members are not from the public sector or that they have non-public authority members or board members. Neither is a relevant consideration for whether section 6 applies - the test in FOISA is of **ownership**.

Appendix 2 – Bodies designated by a section 5 order

1. This section applies to bodies that have been designated subject to FOISA (and the EIRs) by virtue of an order under section 5 of FOISA.

2. The following orders apply:

SSI 2013 No. 278 (Leisure trusts)

3. This Order designates the following bodies as Scottish public authorities under section 5(2)(a)(functions):

- Bodies created solely by one or more local authorities, delivering leisure functions on their behalf **and** in receipt of finance for those functions (all three parts must apply)

4. This Order came into force on 1 April 2014.

SSI 2016 No. 139

5. This Order designates the following bodies as Scottish public authorities

(i) Under Section 5(2)(a) (functions):

- Grant aided-schools, independent special schools, Scottish Health Innovations Ltd, secure accommodation providers

(ii) Under Section 5(2)(b) (bodies providing services under contract)

- Bodies running a prison (or part of a prison) under contract with the Scottish Ministers; sub-contractors to a contract of that type.

6. This Order came into force on 1 September 2016

Checking whether a body has been designated as a Scottish public authority

18. If a body tells you it has not been designated, or you have doubts about whether it has been designated, you must first refer to the definition in the relevant SSI. Each SSI contains a legal definition of the bodies designated.

19. The first check is often carried out by research of publicly available information. You may be able to find the information you need on the body's own website or on a contracting authority's website e.g. annual reports, list of contracts.

20. You can also ask the body to supply information or for its views. If the body is indeed not subject to FOISA, it won't be obliged to respond. From experience, however, most bodies are happy to share information to confirm whether they are under the Commissioner's jurisdiction.

21. You will often need to verify the information collected with the Scottish public authority that may have established the body, or funds the body to deliver a public function or has a contract with the body.

Subsidiaries of bodies designated under section 5

22. A section 5 Order applies only to the bodies described; it does not extend to the subsidiaries and contractors of the designated bodies.

Charitable and company status

23. Sometimes section 5 bodies will mention that they are charities or companies. Registration with OSCR or with Companies House does not affect FOISA designation.

Mixed boards / membership representation

24. Sometimes bodies will mention that their board members are not from the public sector or that they have non-public authority members or board members. Neither is a relevant consideration for whether section 5 applies - the test in FOISA is only **whether the body meets the description** in the section 5 Order.

Appendix 3 – Template Emails / Letters

Letter 1 – Initial publication scheme duty alert to new PA

Dear [Salutation]

For new public authorities

We have recently become aware that [Name of authority] has been created and that it is a Scottish public authority for the purposes of the Freedom of Information (Scotland) Act 2002 (FOISA) and Regulation 2 of the Environmental Information (Scotland) Regulations 2004.

For new publicly owned companies

We have recently become aware that [Name of authority] is wholly publicly owned. It is therefore a Scottish public authority by virtue of Section 6 of the Freedom of Information (Scotland) Act 2002 (FOISA) and Regulation 2 of the Environmental Information (Scotland) Regulations 2004.

The purpose of this letter is to:

1. Require your authority's compliance with the publication scheme duty **by [Submission Due Date]**.
2. Alert you to your other statutory duties

Publication scheme

All Scottish public authorities have adopted the Commissioner's Model Publication Scheme (MPS) and this is the best way for your authority to comply with the publication scheme duty.

It is of course important that you are clear about what you are committing your authority to. So you **must** read both the MPS and our *Model Publication Scheme Guide for public authorities* carefully. You will find these documents, and other resources on our website at www.itspublicknowledge.info/mps.

To adopt the MPS your authority must:

1. Produce and publish a *Guide to Information*, **and**
2. Notify the Commissioner that you have adopted the MPS by sending us a completed notification form.

Your authority must submit a complete notification form to us by [Submission Due Date]. You can, of course, send us the notification form earlier if you would prefer.

You should be aware that the Commissioner will enforce failure to comply with the publication scheme duty.

If you have any questions about the MPS and can't find the answers on the website pages or in our Guide, please contact me at [Lead Officer email] or phone [Lead Officer phone number].

Other statutory duties

As an authority newly subject to freedom of information (FOI) law, compliance with the publication scheme duty is just one of several new statutory duties. If you haven't already done so, we encourage you to read our guide to [Setting up your FOI function: Guidance for Scottish public authorities new to FOI](#).

You can also access peer support on the FOI Scotland Forum on [Knowledge Hub](#). The Forum offers examples of good practice and allows you to discuss issues with other practitioners from public authorities.

We look forward to receiving your notification form by **[Submission Due Date]**.

Yours sincerely

[Name of Lead Officer]

Freedom of Information Officer (Policy and Information)

Letter 2 – Failure to submit

Dear [Salutation]

Failure to adopt a publication scheme

We do not appear to have received notification from [Name of authority] by the required date of [Submission Due Date] that it has adopted a publication scheme approved by the Commissioner.

As we explained in our letter of [insert Letter 1 issue date], [Name of authority] has a statutory duty to comply with the publication scheme duty in section 23 of Freedom of Information (Scotland) Act 2002. This requires [Name of authority] to adopt a publication scheme which has the Scottish Information Commissioner's approval and to notify us that it has done so by [Submission Due Date].

We recommended that [Name of authority] adopts the Commissioner's Model Publication Scheme (MPS). To do this, it must:

1. Produce and publish a *Guide to Information*, **and**
2. Notify the Commissioner by sending us a completed notification form.

As we have not received a notification form, it appears to us that [Name of authority] is in breach of the publication scheme statutory duty.

I would be grateful if you would complete the attached notification form and email it to publicationschemes@itspublicknowledge.info by [+5 working days].

I should advise that if we do not hear from you, the Commissioner is likely to initiate enforcement action.

If you have any questions about the MPS and can't find the answers on our website pages www.itspublicknowledge.info/mps, please contact [Lead Officer name] [Lead Officer email address] [Lead Officer phone] who will be pleased to offer advice.

Yours sincerely

[Name]

[Job Title]

Letter 3 – No notification form submission, but Guide published (Lead Officers only)

Dear [Salutation]

Failure to adopt a publication scheme

We do not appear to have received notification from [Name of authority] by the required date of [Submission Due Date] that it has adopted a publication scheme approved by the Commissioner.

As we explained in our letter of [insert Letter 1 issue date], [Name of authority] has a statutory duty to comply with the publication scheme duty in section 23 of Freedom of Information (Scotland) Act 2002. This requires [Name of authority] to:

1. Adopt a publication scheme which has the Scottish Information Commissioner's approval,
and
2. Notify us that it has done so by [Submission Due Date].

It appears that [Name of authority] is in breach of the above statutory duty. I found a Guide to Information on your authority's website at [insert URL]. Perhaps the problem is simply that you didn't realise you had to notify us? Can you please complete the attached notification form and send it to publicationschemes@itspublicknowledge.info by [insert today's date +5 working days]?

I should advise that if we do not hear from you, the Commissioner is likely to initiate enforcement action. Please note we will issue no further reminders.

If you have any questions about the MPS and can't find the answers on our website pages www.itspublicknowledge.info/mps, please contact me: I will be pleased to offer advice.

Yours sincerely

[Name]

[Job Title]

Letter 3A – Warning of enforcement action

Dear [Salutation]

Warning of possible enforcement action.

Despite a number of attempts to contact your authority, we do not appear to have received notification from [Name of authority] by the required date of [Submission Due Date] that it has adopted a publication scheme approved by the Commissioner.

As we have previously explained, [Name of authority] has a statutory duty to comply with the publication scheme duty in section 23 of Freedom of Information (Scotland) Act 2002. This requires [Name of authority] to:

1. Adopt a publication scheme which has the Scottish Information Commissioner's approval,
and
2. Notify us that it has done so by [Submission Due Date].

It appears that [Name of authority] is in breach of the above statutory duty. Please complete the attached notification form and send it to publicationschemes@itspublicknowledge.info by [insert today's date +5 working days].

I should advise that if we do not hear from you, the Commissioner is likely to initiate enforcement action. Please note we will issue no further reminders.

If you have any questions about the MPS and can't find the answers on our website pages www.itspublicknowledge.info/mps, please contact me: I will be pleased to offer advice.

[Name]

Head of Policy and Information

Letter 4 – Submission Complete

Dear [Salutation]

Model Publication Scheme adoption

Thank you for submitting a notification on behalf of [Name of authority] which has adopted the Scottish Information Commissioner's Model Publication Scheme (MPS). I have updated our records to reflect this adoption.

[****include this para only if applicable**** I noticed the URL you provided points the reader to a document called [insert name of document]. This document should actually be called "Guide to Information". Please change the name as it will help the public find your publications.]

The final step is to make sure you have arrangements in place to regularly and routinely update your Guide. This is a statutory duty. You must also update your Guide to reflect any changes to the MPS (we will alert you to any such changes).

Some of the documents in your authority's Guide will already be produced as part of routine business processes e.g., minutes of committee or board meetings. It is relatively easy in these circumstances to agree who is responsible for adding new documents to the Guide.

It's a little harder, but just as important, to make sure new types of information are added to the Guide as the work of your authority changes over time. There are many ways to do this and you'll need to find the way that works for your authority. Some common approaches taken by authorities include:

- a. Setting review dates as part of the approval process
- b. Maintaining a schedule of information due for publication
- c. Training staff to think about publication as they prepare information ("thinking FOI" as they write, marking information for redaction at publication)
- d. Making the decision to publish information a deliberate step when new information is approved
- e. Including checking and updating the Guide as part of the procedures for updating and reviewing documents and records management procedures and systems.

If you don't have such internal processes, you can still actively look for new information that your authority ought to publish. The following sources will often help you spot new information:

- In-house newsletters and committee / board minutes
- Press cuttings and external news releases about your authority's activities
- Information requests to your authority.

It is good practice to establish regular intervals for reviewing your Guide.

From time to time we commission mystery shopping research to assess the quality of Guides to Information. We'll give you fair warning of any research we're conducting and we'll share the results with you.

If you would like any further support with publishing information, please contact [Lead Officer name] [Lead Officer email address] [Lead Officer phone].

Yours sincerely

[Name]

[Job Title]

Letter 5 – Deficient submission

Dear [Salutation]

Notification form – deficient submission

Thank you for submitting a notification form to advise that [Name of authority] has adopted the Model Publication Scheme.

Unfortunately we cannot accept the form because it is incomplete.

Please complete the following required element(s): [delete all that do not apply]

- Name of organisation
- Corporate address
- Postcode
- Telephone number
- Fax number
- Email address for FOI requests
- Website
- Website address of the authority's Guide to Information (direct URL)

I have been unable to find a Guide to Information at the URL provided. Please provide the correct URL

and resubmit the form to publicationschemes@itspublicknowledge.info by **[insert date +10 working days]**.

If you have any questions about the MPS and can't find the answers on our website pages www.itspublicknowledge.info/mps, please contact [Lead Officer name] [Lead Officer email address] [Lead Officer phone] who will be pleased to offer advice.

Yours sincerely

[Name]

[Job Title]

Letter 6 - Recommendation for enforcement action (Lead Officer)

(for use by Lead Officer and to be sent to HOPI. Please amend as necessary)

Dear [HOPI]

[Name of authority] Recommendation for enforcement action

I recommend that you refer the above named authority / company for potential enforcement action as it appears the authority / company is in breach of its statutory duty, under section 23 of the Freedom of Information (Scotland) Act 2002.

Despite reminders [Name of authority] has failed to notify us of adoption of the Model Publication Scheme / publish a Guide to Information as required by the Model Publication Scheme.

The background to this recommendation is as follows:

[insert history of case, including a list of all correspondence in date order]

X

X

X

[Name]

[Job Title]

Letter 7 – Notification forms from GPs, dentists, opticians and pharmacists

[see **Exceptions**]

Dear [insert name]

Thank you for sending a notification form to alert us to adoption of the Commissioner's Model Publication Scheme. We don't actually require GPs/ dentists/ dental practices/ opticians / pharmacies to submit these forms. This is because we "assume" you have adopted the Model Publication Scheme, a position agreed with NHS boards and professional membership bodies.

It is still good to know that you have made the arrangements to ensure that your practice's Guide to Information is up to date – it is so important to keep it under review. We'll keep a note of your submission on file.

Yours sincerely

[your name]

[job title]

Letter 12 - Failure to comply with section 23 of the Freedom of Information (Scotland) Act 2002

(Letter notifying public authority that the matter has been referred for enforcement)

Dear [Chief Executive]

Failure to comply with section 23 of the Freedom of Information (Scotland) Act 2002

Section 23 of the Freedom of Information (Scotland) Act 2002 (FOISA) requires [name of authority] to adopt and maintain a publication scheme which has been approved by the Commissioner and to publish information in line with that scheme.

The approval for [authority's] publication scheme expired on [date]. On [date], the Commissioner wrote to you to remind you that the approval for the scheme was due to expire and advised you of the options open to [authority].

As of today's date, [authority] has not yet adopted a [model] publication scheme and remains in breach of section 23 of FOISA.

On [date], [name of contact in authority] was advised that the failure to adopt a [model] publication scheme would be referred to the Head of Enforcement for enforcement action. This has now been done and I am contacting you on his behalf.

Unless [authority] takes action to comply with section 23 of FOISA by [two weeks], the Commissioner will have no option but to issue a formal Enforcement Notice under section 51 of FOISA, requiring it to take the necessary steps to comply with FOISA.

Failure to comply with an Enforcement Notice can be referred to the Court of Session and may be treated as contempt of court.

The Commissioner will also publish the Enforcement Notice on his website.

I look forward to hearing from you.

Yours sincerely

[FOIO]

(cc to authority contact)

Letter 13 - Enforcement Notice

(Formal letter issuing enforcement notice (must be sent recorded delivery))

Dear [Chief Executive]

Enforcement Notice

I refer to previous correspondence in connection with the failure of [name of authority] to adopt a publication scheme as required by section 23 of the Freedom of Information (Scotland) Act 20012 (FOISA). I refer, in particular, to the letter of [date] from [name] advising you that, if [authority] did not take steps to comply with section 23 by [date], I would have no option but to issue an Enforcement Notice requiring [authority] to take steps.

I now enclose an Enforcement Notice, which sets out the steps I/the Commissioner require [authority] to take in order to comply with section 23 of FOISA and when I require / he requires those steps to be taken by.

The Enforcement Notice also explains [authority's] rights of appeal. Please read it carefully.

Please send evidence of compliance with the Enforcement Notice to [insert name of Enforcement Officer]. As you are aware, failure to comply with the Enforcement Notice can be referred to the Court of Session and may be treated as contempt of court.

The Commissioner will publish the Enforcement Notice on my/his website.

Yours sincerely

[Commissioner/HOE]
Scottish Information Commissioner/ Head of Enforcement

(cc to authority contact)

Enc, Enforcement Notice ENFxxx/201x

Letter 14 – Cancellation of Enforcement Notice

(Formal letter issuing enforcement notice (must be sent recorded delivery))

Dear [Chief Executive]

Cancellation of Enforcement Notice

I refer to previous correspondence in connection with the failure of [name of authority] to adopt a publication scheme as required by section 23 of the Freedom of Information (Scotland) Act 20012 (FOISA) and to the Enforcement Notice served on [name of authority] on [date].

I am satisfied that the Enforcement Notice has now been complied with. As such, I am writing to notify you, in line with section 51(4) of FOISA, that [I have/the Commissioner has] cancelled the Enforcement Notice and that no further action will be taken in relation to the Notice.

Thank you for your assistance in this matter.

Yours sincerely

[Commissioner/HOE/DHOE]

Appendix 3 – Validation Tips

No URL provided

1. This is the most common problem. This submission is incomplete.

The URL points to the home page or other general page of the website, not specifically to the Guide to Information

2. Examine the page to see if there is a link to the Guide to Information (NB it may be called Freedom of Information or Publication Scheme). If there is, the submission is complete. You should make a note on the notification form of the actual URL. This is also the address you should enter in the Workpro field (we want the public to go to this page).
3. If there isn't a clear link from the page indicated, this is an incomplete submission.

Naming conventions ("Publication Scheme")

4. If the authority has called its Guide to Information a "Publication Scheme", you need to check if the document or web page referred to is actually a Guide to Information. As a minimum, it must contain:
 - Information organised by the classes of information
 - Advice about how to access the information (links to website content or contact details)
 - A charging policy
 - A copyright and re-use statement
 - Contact details for accessing the information.
5. If it is reasonably clear to you that the information is up to date and it's simply a matter of wrong terminology, you can accept the notification. There is an optional paragraph in the standard approval letter asking the authority to rename the document.

Appendix 4 – Publishing Enforcement Notices online

1. The OMT publish Enforcement Notices to the website, but responsibility lies with the Enforcement Officer to supply OMT with the necessary information via the template in Workpro.

Information required prior to upload

Officer	
Enforcement Notice Number	
Public authority	
Case number	
Issue Date	
Date to go on website	
Reason	
Compliance due date	
Status	
VC number	

2. On the day the Enforcement Notice is issued the FOIO should complete the information required in the table and send it to admin@itspublicknowledge.info

Appendix 5 – Bespoke publication schemes

1. It is our “strong recommendation” that authorities adopt the Commissioner’s MPS.
2. We make that recommendation because:
 - (i) It is a much easier route for the authority than the alternative of producing its own bespoke scheme and securing the Commissioner’s approval for it. From past experience, it took around three months of to and fro with authorities to reach the point that we could approve a bespoke publication scheme. That was an inefficient use of everyone’s resources to achieve the same outcomes as adoption of the MPS.
 - (ii) There is a public benefit to a single publication scheme for all public authorities: it is easier for the public to know what types of information should be published and the rules applied to making it available to them.
3. The Lead Officer will respond to any enquiries from authorities about producing:
 - (i) A bespoke publication scheme, or
 - (ii) A bespoke model publication scheme for a group of authorities.
4. We do not have specific procedures for approving bespoke schemes. This is because, since 2013, all Scottish public authorities have adopted the Commissioner’s MPS.
5. FAQs in the *Commissioner’s Guide to the Model Publication Scheme* explain the process that we will follow in response to such enquiries. These are pasted below.
6. The Lead Officer will discuss the relevant FAQ with the authority, trying to resolve any concerns about adoption of the MPS. Common misperceptions, for example:
7. *The MPS is too “big” or not sufficiently relevant to a small authority.* In fact, the MPS is designed and intended to be scalable: authorities produce their own Guides to Information and as long as these comply with the MPS, they can be any length or any format.
8. *The authority cannot adopt the MPS because they do not hold information under some of the classes.* In fact, the MPS allows for “blank” classes. It can be just as important for the reader to know what the authority does not publish as to know what it does.
9. *The authority holds none, or very little, of the information listed in the Commissioner’s Guide to the Model Publication Scheme.* Our listings are only for general guidance, authorities will hold other types of information that fits most class descriptions. A grant-aided school may not have a “corporate” plan, but it will have an improvement or business plan that sets out what it plans to deliver.
10. If the authority continues to want to have a bespoke scheme, the Lead Officer will ask the authority to set out, in writing, why it cannot or does not want to adopt the MPS. On receipt, the Lead Officer should share the response with the HOPI and seek her advice about next steps.

Extract from Commissioner’s Guide to the Model Publication Scheme

Do we have to use the MPS? Can’t we produce our own publication scheme?

You do not have to adopt the MPS. You are entitled to produce your own bespoke scheme. **But the Commissioner does not recommend it.**

Experience and feedback shows that bespoke schemes are not efficient and can be burdensome for both the authority and the Commissioner. They also lead to delays in approval.

11. **100%** of Scottish public authorities have adopted the MPS
12. **97%** of authorities surveyed would recommend the MPS to others

Not only is adoption of the MPS easier and more efficient for an authority (than a bespoke scheme), it helps requesters too. It gives greater consistency for the public about how the Scottish public sector publishes information and therefore makes it easier for them to find information.

If you want to explore a bespoke scheme, contact us as soon as possible. We will ask you to specify the issues you have with the MPS and we will first attempt to resolve those issues before we will consider approving a bespoke scheme. If we are asked to approve a bespoke scheme, we will test it against the standard of the MPS.

Can a group of authorities produce their own model publication scheme?

Section 24 of FOISA allows for the development of model schemes that can be adopted by more than one authority. The Commissioner used this provision when developing the MPS.

We do not encourage the development of more model schemes because the MPS provides a consistent framework for the public. If you feel that the MPS is not suitable for your authority, please tell us about the problems you are having so that we can look for a solution.

Several groups of authorities have worked together to produce template Guides to Information. This approach has helped authorities in those sectors identify other information they ought to publish, over and above the MPS.

Appendix 6 – Timescales for publication scheme cases

Description	Action by	Timescale	Relevant reference in this document
Administrator requests name of Lead Officer from HOPI	HOPI	2 working days	Para 18
Issue standard new authority template letter to authority	Lead Officer	Immediately when HOPI nominates Lead Officer	Para 18
Issue Letter 1 to authority	Administrator	2 working days from nomination of Lead Officer	Para 19
Respond to notification form submission (at any point in process) by issuing Letter 4 or Letter 5	Administrator	5 working days of receipt	Paras 25 - 30, 43 – 47 and Actions following Validation
Authority to comply with Letter 5	Authority	Today + 10 working days	Letter 5
Failure by authority to submit notification form by Submission Due Date – issue Letter 2	Administrator	5 working days after Submission Due Date	Para 32
Authority to comply with Letter 2 (by submitting notification form)	Authority	Today + 5 working days	Letter 3
Approve an extension to the Letter 2 deadline	Administrator	Immediate (allow authority up to 5 further working days)	Para 33
Authority fails to respond to Letter 2 – transfer case to Lead Officer	Administrator	Next working day after submission due date	Para 37
Following a referral by the Administrator - secure valid submission, issue Letter 3, or send Letter 6 to HOPI	Lead Officer	5 working days	Paras 58 - 63
Authority to comply with Letter 3 (by submitting notification form)	Authority	Today + 5 working days	Letter 3
Respond to Letter 6 – request further action by Lead Officer, or refer case to HOE	HOPI	5 working days	Para 64
Respond to referral for enforcement – update Intervention case file and allocate to an Enforcement Officer	HOE	5 working days	Para 66
Update intervention case file and Issue warning of enforcement action to authority (Letter 12)	Enforcement Officer	10 working days from referral from P&I Team	Para 69
Authority to comply with Letter 12	Authority	Two weeks	Letter 12
Approve an extension to Letter 12 deadline (exceptional circumstances only)	Enforcement Officer	Immediately (allow authority max.10 working days)	Para 75
Inform Enforcement Officer a notification form has been received for their case	Administrator	Immediately	Para 85(i)
Inform Enforcement Officer of outcome of validation process	Administrator	Immediately	Para 85
Notify authority of next steps (issue Letter 14, set new deadline, or notify authority of Enforcement Notice issue)	Enforcement Officer	10 working days from notification by Administrator of validation outcome	Paras 86 - 87

		(allow authority max 5 working days to comply)	
Prepare and issue Enforcement Notice	Enforcement Officer	No timeframe specified	Paras 95 - 99
Inform HOE if Enforcement Notice not complied with	Enforcement Officer	immediately	Para 100

Document control sheet

Document Information	
Full name of current version: Class, Title, Version No and Status. <i>E.g. C5 Key Documents Handbook v01 CURRENT ISSUE</i>	C2 Publication Scheme Notification: Internal management procedures v02 CURRENT ISSUE
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Approver	HOPI
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Corrections / Unplanned or Ad hoc reviews (see Summary of changes below for details)	
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Summary of changes to document				
Date	Action by (initials)	Version updated (e.g. v01.25-36)	New version number (e.g. v01.27, or 02.03)	Brief description (e.g. updated paras 1-8, updated HOPI to HOOM, reviewed whole section on PI test, whole document updated, corrected typos, reformatted to new branding)
13/03/17	JAW	02.00	02.01	New document created
13/03/17	KB	02.01	02.02	DCS updated, published on website
14/03/17	SH	02.02	02.03	Added Letter 7 (GPs, etc) and a new section for Exceptions about assumed adoptions
14/03/17	SH	02.03	02.04	Added note to Exceptions section - record correspondence with GPs, etc in enquiry case files
14/03/17	KB	02.04	02.05	DCS updated, published on website
05/05/17	LB	02.05	02.06	Change in procedures – page 4 and various changes to DCS
05/05/17	SH	02.06	02.07	Approved above change, added Letter 3A - warning of enforcement and instructions at paragraph 64.
08/05/17	KB	02.07	02.08	DCS updated, published on website
16/05/17	SH	02.08	02.09	Amendment to Letter 1 to provide options for new POCs / PAs
16/05/17	KB	02.09	02.10	DCS updated, published on website
12/09/17	KB	02.10	02.11	Review date updated
12/09/17	KB	02.11	02.12	DCS updated, published on website
13/10/17	SH	02.12	02.13	Ad hoc changes: LO name on letter 1, para 18(iii) LO to issue new authority letter immediately on appointment
24/10/17	LB	02.13	02.14	DCS updated, published on website
21/12/17	SH	02.14	02.16	Ad hoc change – removed erroneous page break, p5.
21/12/17	LB	02.16	02.17	DCS updated and document published
03/05/18	SH	02.17	02.18	Added Appendix 6 – timescales
07/06/18	KB	02.18	02.19	DCS updated, published on website
04/02/19	LC	02.20	02.21	Suggested changes to para 18 for clarity
05/02/19	LM	02.21	02.23	Corrections to Letter 12 and Letter 13
01/03/19	SH	02.23	02.24	Suggested changes accepted
06/03/19	BOW	02.24	02.25	DCS updated
06/03/19	BOW	02.25	02.26	DCS updated, published on website

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