

# Beinn Tharsuinn Windfarm Community Limited

---

## Publication Scheme 2015

### Introduction

---

1. The Freedom of Information (Scotland) Act 2002 (the Act) requires Scottish public authorities to adopt and maintain a publication scheme. Authorities are under a legal obligation to:
  - (i) publish the classes of information that they make routinely available
  - (ii) tell the public how to access the information they publish and whether information is available free of charge or on payment.
2. The Act also allows for the development of model publication schemes which can be adopted by more than one authority. This Model Publication Scheme has been produced and approved by the Scottish Information Commissioner. It is approved until 31 May 2019.
3. The Commissioner has issued a Guide to accompany this model scheme [www.itspublicknowledge.info/MPS](http://www.itspublicknowledge.info/MPS). This is essential reading for authorities adopting the model scheme: it explains the requirements of the scheme in detail and provides lists of types of information the Commissioner expects authorities will publish.

### Adopting this model scheme

---

4. This model scheme can be adopted by any authority which is subject to the Freedom of Information (Scotland) Act 2002. For more information about which bodies this applies to, please visit <http://www.itspublicknowledge.info/YourRights/Whocanlask.aspx>
5. Adoption commits an authority to:
  - (i) adopting this model scheme without amending it
  - (ii) publishing the information, including environmental information, that it holds and which falls within the classes of information below.
  - (iii) ensuring that the way it publishes its information meets the Model Publication Scheme 2015 Principles.
  - (iv) producing a Guide to Information which sets out the information the authority publishes through this model scheme, how to access it, whether there is a charge for it and how to get help to access information.
  - (v) notifying the Scottish Information Commissioner that it has adopted this model scheme.

6. Where an authority fails to meet the above commitments, it cannot be considered to have adopted this model scheme and may be failing with the duty to adopt and maintain a publication scheme in line with section 23(1) of the Act.

## **Model Publication Scheme 2015 principles**

### **Principle One: Availability and formats**

7. Information published through this model scheme should, wherever possible, be made available on the authority's website.
8. There must be an alternative arrangement for people who do not wish to, or who cannot, access the information either online or by inspection at the authority's premises. An authority may, for example, arrange to send out information in paper copy on request (although there may be a charge for doing so).

### **Principle Two: Exempt information**

9. If information described by the classes cannot be published and is exempt under Scotland's freedom of information laws (for example sensitive personal data or a trade secret), the authority may withhold the information or provide a redacted version for publication, but it must explain why it has done so.

### **Principle Three: Copyright and re-use**

10. The authority's Guide to Information must include a copyright statement which is consistent with the fair dealing provisions of the Copyright, Designs and Patents Act 1988. Where the authority does not hold the copyright in information it publishes, this should be made clear.
11. Any conditions applied to the re-use of published information must be consistent with the Re-Use of Public Sector Information Regulations 2005<sup>1</sup>.
12. The Commissioner recommends that authorities consider using the Open Government Licence, produced by The National Archives for their published information.

### **Principle Four: Charges**

13. The Guide to Information must contain a charging schedule, explaining any charges and how they will be calculated.
14. No charge may be made to view information on the authority's website or at its premises, except where there is a fee set by other legislation, for example, for access to some registers.
15. The authority may charge for computer discs, photocopying, postage and packing and other costs associated with supplying information. The charge must be no more than these elements actually cost the authority e.g. cost per photocopy or postage. There may be no further charges for information in Classes 1 – 7 below. An exception is made for commercial publications (see Class 8 below) where pricing may be based on market value.

---

<sup>1</sup> To be revised as a result of Directive 2013/37/EU by summer 2015.

### **Principle Five: Contact details**

16. The authority must provide contact details for enquiries about any aspect of the adoption of the model scheme, the authority's Guide to Information and to ask for copies of the authority's published information.
17. The Act requires authorities<sup>2</sup> to provide reasonable advice and assistance to anyone who wants to request information which is not published. The authority's Guide to Information must provide contact details to access this help.

### **Principle Six: Duration**

18. Once published through the Guide to Information, the information should be available for the current and previous two financial years. Where information has been updated or superseded, only the current version need be available (previous versions may be requested from the authority).

---

<sup>2</sup> Section 15 of the Freedom of Information (Scotland) Act 2002 and regulation 9 of the Environmental Information (Scotland) Regulations 2004