



## Freedom of Information Act 2000

# Guide to information provided by GPs under the model publication scheme

### **Introduction**

The Freedom of Information Act 2000 (FOIA) requires all public authorities to adopt and maintain a publication scheme. In 2008 the Information Commissioner's Office (ICO) introduced a single generic model publication scheme, for adoption by all public authorities that are subject to FOIA.

The model publication scheme commits a public authority to '*produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public*'. This is a very general scheme based on the principle that all public authorities need to recognise the public interest in the transparency of the services provided for and paid for by the general public. It is a commitment to make information easily available to the public.

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General practitioners (GPs) providing primary medical services under most contracts with the NHS in England and Wales and with HSC Northern Ireland are public authorities in respect of information relating to those services.

**Note: The publication scheme is only for information held as a public authority.**

The [Model publication scheme](#) is available on the ICO website. Further details are available in ICO guidance: [Using the definition documents](#).

The model scheme must be adopted in full, unedited and promoted alongside the guide to information. Public authorities are not required to inform the ICO that they have adopted the scheme; we will assume they have done so unless we hear otherwise.

**A public authority is in breach of FOIA if it has not adopted the model scheme or is not publishing in accordance with it.**

To assist GPs, we have produced this template guide to information. The template will help them to draw up their guide to information, indicating what information they will provide, how it will be provided and whether any charge will be made for its provision. They should consider expanding elements of it to provide greater explanation and additional information, where this can be done. For example, if there are specific plans for the provision of NHS/HSC services these could be detailed. It is not necessary to submit the guide completed by the practice to the ICO for approval.

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This and the model scheme document itself form the basis of the publication scheme commitment by general practitioners.

### **Information included in the guide to information**

The template lists the information that we think GPs hold and should make available within each class. When completed, this will provide a list of all the information the GP will make routinely available, explain how it can be accessed and whether or not a charge will be made for it. GPs must:

- state how the specific information can be obtained and if there is a cost involved;
- complete the relevant columns in the template guide; and
- ensure the public can access the completed guide and the information listed in it.

The guide, like the model scheme document itself, does not need further approval by the Information Commissioner.

GPs should note that they are not expected to routinely publish all information; for example, where they do not hold it or where it is publicly available elsewhere or is exempt. We list such circumstances below.

We would expect GPs to make the information in the guide available unless:

- they do not hold the information;

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- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another statute;
- the information is readily and publicly available from an external website; such information may have been provided either by the GP or on their behalf. The GP must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or
- it would be impractical or resource-intensive to prepare the material for routine release.

If the information is only held by another public authority, the GP should provide details of where to obtain it.

For guidance on responding to requests for personal data, please refer to [the Subject Access code of practice](#).

### **Datasets: publishing datasets for re-use**

Public authorities, including GPs, must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

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The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published [guidance on the dataset provisions in FOIA](#). This explains what is meant by "not appropriate" and "capable of re-use". One of the reasons why it may not be appropriate to make a dataset available for re-use might be that the information is covered by an exemption under FOIA. GPs do not have to publish in their publication schemes any information that would be exempt from disclosure in response to a FOIA request; eg patient records.

## **Fees and charging**

Information available through a GP's publication scheme should be readily available at a low cost or at no cost to the public. If a GP does charge for this information, we expect the charges to be justifiable, clear and kept to a minimum.

Charges may be made for activities such as printing, photocopying and postage as well as information that the GP is legally authorised to charge for. Anyone requesting information must be informed of any charge before the information is provided. GPs may ask for payment before providing the information. Guidance on our website: [Charging for information in a publication scheme](#) provides more details.

If the GP charges a fee for licensing the re-use of datasets, they should state in the guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. The GP cannot charge a re-use fee if they make the datasets available for re-use under the Open Government Licence.



## **FOI requests and the publication scheme**

It is important to note that a publication scheme simply sets out the information that is routinely available. Information that is not listed in the guide to information can still be requested and should be made available unless it can be legitimately withheld.



Information available from (*insert name of person (or practice) providing medical services under contract to the NHS or to HSC Northern Ireland*) under the Freedom of Information Act model publication scheme

Information covered by this scheme is only about the primary medical services we provide under contract to the National Health Service or to Health and Social Care Northern Ireland.

<b>Information to be published</b>	<b>How the information can be obtained</b> (eg hard copy, website)	<b>Cost</b>
<b>Class 1 - Who we are and what we do</b>		
Doctors in the practice	Practice website	No Charge
Contact details for the practice (named contacts where	Practice website	No charge

possible with telephone number and email address (if used))		
Opening hours	Practice website	No charge
Other staffing details	Practice website	No charge
Meetings specifically with pharmaceutical companies and other medical suppliers. We would expect as a minimum that this information should include the name of the company, the date and, if appropriate, the name of the member(s) of staff attending (if recorded), together with a general indication of the category of meeting, for example marketing or promotion. The names of staff attending should include any senior managers and any medically qualified staff if this information is recorded.	On request	No charge
<b>Class 2 – What we spend and how we spend it</b>		
Details on NHS/HSC funding received by the practice. We would expect practices to consider publishing as	Practice website	No charge



much information as practically possible including as much detail as possible.		
Audit of NHS/HSC income	N/A	
Details of expenditure items over £10,000 - published at least annually but at a more frequent quarterly or six-monthly interval where practical.	On request	No charge
List and value of contracts awarded by the practice. We would normally only expect the practice to publish details of contracts that are of sufficient size to have gone through a formal tendering process.	On request	No charge
Staff allowances and expenses that can be incurred or claimed, with totals paid to senior staff members (for the purpose of this document, senior staff are defined as partners or equivalent level), by references to categories.	N/A	
Pay policy	Practice website	No charge
	Practice website	No charge

Declaration of GPs' NHS/HSC income. The information made available as part of GPs' contractual obligation to publish their net income relating to NHS/HSC contracts, once this obligation is in force. A link may be provided to the information on a third party website, and /or a description of where this information is available.		
<b>Class 3 – What our priorities are and how we are doing</b>		
Plans for the development and provision of NHS/HSC services	On request	No charge
Performance data including performance against targets	On request	No charge
Inspection reports by regulators: the CQC, HIW, RQIA and HSCB and any other regulators.	Practice website or on request	No charge
<b>Class 4 – How we make decisions</b>		
	On request	No charge

Records of decisions made in the practice affecting the provision of NHS/HSC services.		
<b>Class 5 – Our policies and procedures</b>		
Staff recruitment policy	Practice website	No charge
Equality and diversity policy	Practice website	No charge
Health and safety policy	Practice website	No charge
Complaints policy	Practice website	No charge
Records retention policy	Practice website	No charge
Data protection policy	Practice website	No charge
Access to medical records policy	Practice website	No charge
Patient dignity policy	Practice website	No charge

Patients' charter	Practice website	No charge
<b>Class 6 – Lists and Registers</b>		
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice).	None held	
<b>Class 7 – The services we offer</b>		
The services provided under contract to the NHS/HSC	Practice website	No charge
Charges for any of these services	Practice website	No charge
Information leaflets	Practice website	No charge
Out of hours arrangements	Practice website	No charge