



## Freedom of Information Act 2000

# Guide to information provided by pharmacy businesses 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.

Those providing pharmaceutical services under contract to the NHS in England, Wales and Northern Ireland or by other arrangement with the public sector, for example services commissioned by local authorities, are public authorities specifically in respect of information relating to those services.

**Note: The publication scheme is only for information held by a pharmacy business as a public authority, and not for its wider business. For the purpose of this document, the term “public authority” refers to a pharmacy business in relation to this particular aspect of its work.**

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 pharmacy businesses, 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 or other public sector services these could be detailed. It is not necessary to submit the guide completed by the business to the ICO for approval.

This and the model scheme document itself form the basis of the publication scheme commitment by pharmacy businesses.

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

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

Pharmacy businesses 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 pharmacy businesses to make the information in the guide available unless:

- they do not hold the information;
- 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 pharmacy business or on its behalf. It 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 pharmacy business 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 pharmacy businesses, 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](#).

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".

### **Fees and charging**

Information available through a public authority's publication scheme should be readily available at a low cost or at no cost to the public. If a pharmacy business 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 pharmacy business is legally authorised to charge for. Anyone requesting information must be informed of any charge before the information is provided. Pharmacy businesses may ask for payment before providing the information. Guidance on our website: [Charging for information in a publication scheme](#) provides more details.

If the pharmacy business charges a fee for licensing the re-use of datasets, it 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 pharmacy business cannot charge a re-use fee if it makes 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.