

FREEDOM OF INFORMATION ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part I: Access to information held by public authorities

Publication schemes

Section 19: Publication schemes

76. This section places a duty on every public authority covered by the Act to adopt and maintain a scheme which relates to the publication of information by the authority, to publish information in accordance with it and to review it from time to time. The scheme has to be approved by the Commissioner. Subject to the need to obtain this approval, and to the requirements discussed below and set out in this section, each authority is free to draw up its own scheme and so can tailor its proposals to its particular circumstances.
77. The section requires public authorities to adopt a scheme specifying the classes of information which it publishes or intends to publish, the manner of publication and whether the information is available to the public free of charge or on payment. This section is a step beyond the core access rights created by section 1.
78. A publication scheme is intended to be a guide to the authority's publications and policy. It can be either general or specific, for example, an authority might propose that minutes of a particular committee would be published within a specified interval of time. As required in *subsection (2)* a scheme must describe the types of information the authority intends to publish, the manner in which it will be published, and whether there will be a charge.
79. *Subsection (3)* requires a public authority, when adopting or reviewing a scheme, to have particular regard to the public interest (a) in allowing the public to have access to information held by the authority and (b) in the publication of reasons for decisions made by the authority.
80. *Subsection (4)* requires an authority to publish its publication scheme but allows it to do so in whatever way it thinks fit.
81. *Subsections (5) to (7)* concern the approval of publication schemes. The Commissioner may refuse to approve a scheme, approve it only for a specified period, or revoke his approval. The Commissioner must give reasons for refusing to approve or for revoking approval to a scheme.
82. Material made generally available in accordance with a publication scheme would be exempt under section 21 from the right of access. As such, the authority would not be obliged to respond to requests for it on an individual basis.