

Publication Scheme Notification

Internal management procedures



Contents

Contents	i
Glossary and abbreviations	iii
Overview	4
Notification policy	4
Guidance for authorities	4
Roles and responsibilities	4
Submission stage	6
New authority alert	6
Initial contact	6
Exceptions	6
Setting up a publication scheme case file	7
Alerting the authority	7
Managing Notifications	8
Receiving a notification	8
Workpro instructions	8
Validation / Approval stage	9
Validation	9
Actions following validation	9
Outcomes of Letter 5 (deficient submission)	10
Failure to submit notification form by the Submission Due Date	11
Issuing a reminder	11
Actions following issue of Letter 2	11
Cases referred to Lead Officers	12
Enforcement stage	12
Referrals to Lead Officer	12
Referrals for enforcement	13
Enforcement action	14
Actions following Letter 12 (Failure to comply with section 23 of FOISA)	15
Notification during enforcement action	16
Failure to comply after Letter 12 (Failure to comply with section 23)	17

Appendix 1 - Publicly owned companies	19
General background	19
Company status.....	19
Dormant companies.....	19
Dissolved companies	20
Not a publicly owned company.....	20
Questions	21
Appendix 2 – Bodies designated by a section 5 order	22
Checking whether a body has been designated as a Scottish public authority	22
Appendix 3 – Template Emails / Letters	24
Letter 1 – Initial publication scheme duty alert to new PA.....	24
Letter 2 – Failure to submit	25
Letter 3 – No notification form submission, but Guide published (for use by LO only)	26
Letter 3A – Warning of enforcement action	26
Letter 4 – Submission Complete	27
Letter 5 – Deficient submission	28
Letter 6 - Recommendation for enforcement action (LO).....	29
Letter 7 – Notification forms from GPs, dentists, opticians and pharmacists.....	29
Letter 12 - Failure to comply with section 23 of the Freedom of Information (Scotland) Act 2002..	30
Letter 13 - Enforcement Notice	31
Letter 14 – Cancellation of Enforcement Notice	31
Appendix 4 – Validation Tips	33
No URL provided	33
The URL points to the home page or other general page of the website, not specifically to the Guide to Information	33
Naming conventions (“Publication Scheme”).....	33
Appendix 5 – Publishing Enforcement Notices online	34
Information required prior to upload	34
Appendix 6 – Bespoke publication schemes	35
Appendix 7 – Timescales for publication scheme cases	36
Document control sheet	38

Glossary and abbreviations

Term used	Explanation
AO	Administration Officer
Commissioner	Scottish Information Commissioner
CST	Corporate Services Team
EIRs	Environmental Information (Scotland) Regulations 2004
EO	Enforcement Officer
FOISA	Freedom of Information (Scotland) Act 2002
HOE	Head of Enforcement
HOPI	Head of Policy and Information
LO	Lead Officer (from P&I Team)
MPS	Model Publication Scheme
P&I Team	Policy and Information Team

Overview

Notification policy

1. The purpose of notification is to ensure that Scottish public authorities comply 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 periodic monitoring and research, and in the course of our interventions and investigations.
2. In adopting a publication scheme, the Commissioner strongly encourages authorities to adopt the Model Publication Scheme (MPS). This provides a consistent and pre-approved framework for the publication of information by Scottish public authorities.
3. The Commissioner's approach to notification is set out in the MPS, which states:
 - (i) Authorities adopting the MPS for the first time must notify the Commissioner that they have done so. Thereafter no further notification is required unless either:
 - (a) the Commissioner has revoked approval (because the authority is not complying with the MPS); or
 - (b) the authority's legal status has changed (e.g. through a merger with another authority or a legal change of name).
 - (ii) The Commissioner will regularly review the MPS and update it from time to time, notifying authorities of any changes. The Commissioner will consult authorities before making any substantive changes.
 - (iii) The Commissioner will continue to monitor authorities' compliance with the MPS. As required, the Commissioner may contact individual authorities about practice issues (see the Commissioner's [Enforcement Policy](#)).
4. Authorities which adopt the MPS are required to publish a Guide to Information and keep it up to date, incorporating good practice from new editions of any updates to the MPS made by the Commissioner.
 - (i)

Guidance for authorities

7. The Model Publication Scheme: Guide for Scottish Public Authorities provides full details of the requirements for 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.
8. 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

9. All staff are responsible for good records management practice for publication scheme case files for the period they are case owner.
10. **Corporate Services Team (CST)** is responsible for the maintenance of the public authority database in the Administration section of our case management system (Workpro).
11. **Head of Policy and Information (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.
12. **Head of Enforcement (HOE)** has lead responsibility for any enforcement action, including breaches of the publication scheme duty.
13. **Lead Officers (LO)** are Freedom of Information Officers in the Policy and Information Team (**P&I Team**), who are responsible for providing advice and support to authorities throughout the period until the notification has been completed. They will:
 - (i) Answer enquiries and point authorities to resources.
 - (ii) Help a new authority to understand its publication duties.
 - (iii) Follow up non-compliance and, where appropriate, make recommendations to HOPI for enforcement action.
14. **The Administration Officer (AO)** in the P&I Team is responsible for:
 - (i) Setting up and maintaining publication scheme files in Workpro during the notification process.
 - (ii) Checking and filing notification forms, and updating case records.
 - (iii) Managing the publication scheme email inbox
 - (iv) Answering enquiries and pointing authorities to resources
 - (v) Forwarding enquiries to Lead Officers when required
15. **Freedom of Information Officers (FOI Officers)** are responsible for:
 - (i) Managing and administering Levels 24 interventions (enforcement) of individual authority compliance, including publication schemes.

Submission stage

New authority alert

16. The P&I Team is usually the first team in the Scottish Information Commissioner's office to become aware of new authorities being designated.
17. For example:
 - (i) If the designation of the new authorities is via a section 5 Order under FOISA, the P&I Team will usually have a programme of work to support the authorities concerned; or
 - (ii) The team may be alerted to or identify an amendment to Schedule 1 of FOISA (under section 4 of FOISA); or
 - (iii) The team may become aware of the establishment of a new publicly owned company (in terms of section 6 of FOISA).

Initial contact

18. In all such cases, an LO will be assigned to each authority. The LO must liaise with the AO about setting up the publication scheme case file and with CST about setting up the authority in Workpro. In addition, the LO must form a view about the appropriate level of support needed by the authority. As a general guide:
 - A new authority formed as a result of a merger of two predecessor authorities will already be familiar with publication schemes. This authority will need minimal support and advice to create a merged Guide to Information and comply with the notification process.
 - New authorities created by primary legislation often need significant support to identify the types of information they should publish.
 - Publicly owned companies are likely to have the support of the "owning" authority (or authorities) so may be unlikely to need a lot of support from the Commissioner with meeting their publication scheme duties.
19. The LO must make contact **as soon as possible** with the new authority, offering the appropriate level of support.
20. The CST should alert the AO on all occasions that an authority is added to the Workpro database, whether the referral comes from P&I Team or the Enforcement Team.
21. **Within two working days** of receipt of an alert to a new authority, the AO should set up a new publication scheme case file for the authority.

Exceptions

22. We do **not** open publication scheme files for:
 - (i) bodies subject only to the EIRs and therefore not subject to the publication scheme duty.
 - (ii) bodies listed in paragraph 33 of Schedule 1, for which we automatically "assume" notification i.e.:

- (a) General practitioners
- (b) Dental practitioners
- (c) Ophthalmic practitioners and optometrists
- (d) Pharmacists

23. If we receive a notification form one of the above authorities, the AO should issue **Letter 7 – Notification forms from GPs, dentists, opticians and pharmacists**. All correspondence should be saved as an enquiry, not a publication scheme case file (because the authority will not be listed in Workpro).

Setting up a publication scheme case file

24. Complete the Submission tab:

- (i) Case Opened date: auto populated.
- (ii) Date of Expiry of Current Scheme: leave this blank (no longer applicable).
- (iii) Submission Due Date: enter the due date,

NB: In most cases, the Due Date is the date of commencement of the statutory provision which brings the authority within scope of FOISA. Occasionally we only become aware of the existence of the new authority after or very close to the commencement date. In these cases, the Due Date will be a maximum of three calendar months from the date that we became aware of the authority.

- (iv) **Save**
- (v) In the Submission Due Comments box enter the name of the LO. If this is not known, email HOPI requesting the information. HOPI must provide the information to the AO **within 2 working days**. The AO should alert the LO, who should make immediate contact with the authority, if they have not already done so (see paragraph 19).

Alerting the authority

25. **Within 2 working days** of receiving the name of the LO, the AO should issue

26. **Letter 1 – Initial publication scheme duty alert to new PA.**

27. The AO should update the Submission tab as follows:

- (i) Submission Due Letter issued: Authority Alerted: enter date letter sent
- (ii) **Save**
- (iii) Set up a calendar reminder for the Submission Due date.

28. The next AO actions are prompted by either:

- (i) submission of a notification form (go to **Receiving a notification**), or
- (ii) the submission due date has passed without a notification submission (go to **Error! Reference source not found.** below).

Managing Notifications

Receiving a notification

29. Notification forms are received via the publicationschemes@itspublicknowledge.info email box. An auto reply is generated, advising that we will respond to the enquiry within five working days. Notification forms can also be received by hard copy, in which case a manual acknowledgement should be sent.
30. **The target time for responding to notification forms is five working days following receipt.**
31. 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 our website.

Workpro instructions

In Case Summary

32. Check the address and contact details in Part 2 of the Notification Form match the details in the Case Summary details. If changes are required, alert CST to update the Authorities database in the Administration section of Workpro.
33. CST must select the “update staff on open cases” button in the authority tab. This will update all amended details in all case files, including any changes to the address in the publication scheme case.

In Submission tab

34. Open the 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
35. Proceed to Validation / Approval

Validation / Approval stage

36. This part of this procedure applies when an authority has submitted a notification form.
37. 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?
38. **We do not assess the quality of the Guide at notification.** This is the purpose of our MPS monitoring.
39. The notification process is managed by the AO.

Validation

40. In the Validation / Approval tab, the first three boxes are auto-populated.
 - (i) Validation By: your name
 - (ii) Validation Date Actual: today's date
41. 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".
42. If you can answer "Yes" to both questions, the submission is complete.
43. If you cannot answer "Yes" to both questions, the submission is deficient.
44. There are tips to help you with the validation checks in **Appendix 4 – Validation Tips**. If you have any concerns about interpreting the results, contact the LO for advice.

Actions following validation

45. **If the submission is complete**, the AO should:
 - (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.

46. **If the submission is deficient**, the AO should:
- (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)

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

The authority asks for an extension

48. The AO may agree (once only) to extend the Revised Submission Due Date by a further 5 working days. If so, the AO 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.
49. If the authority says it cannot meet the extended date, the advice at [Error! Reference source not found.](#) may be useful.

The authority resubmits the notification form

50. The AO should, within 5 working days, perform the [Error! Reference source not found.](#) for the new notification form.

If the submission is complete

51. **If the submission is complete**, the AO 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

52. **If the submission is deficient**, the AO 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 LO, 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

53. LOs should follow the procedures in **Referrals to Lead Officer**

Failure to submit notification form by the Submission Due Date

54. 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

55. 5 working days after the Submission Due date, the Administrator should:

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

Actions following issue of Letter 2

56. 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

57. 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.

58. 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

59. 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

60. 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) Save the email in the case file
- (iii) Transfer the case to the Lead Officer (in case file Case Properties).

Cases referred to Lead Officers

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

Enforcement stage

62. 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.

63. In both cases, the authority has failed to meet its publication scheme duty and appears to be in breach of section 23 of FOISA.

64. 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

65. On receipt of a referral from the AO, the LO 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.
66. 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 AO.
67. Occasionally, LOs 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** (for use by LO only).
68. If a notification form is submitted during the period the case is with the Lead Officer, the AO will:
- (i) Immediately notify the LO 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 LO of the outcome.
69. If the case is now closed, the LO will notify the HOPI.
70. If the matter is **not** resolved with a competent submission within the 5 days, the LO will:
- (i) Send **Letter 6 - Recommendation for enforcement action (LO)** to HOPI, saving it in the case file.
 - (ii) Allocate the case to HOPI, through Case Properties.

Referrals for enforcement

71. HOPI will review the Letter 6 and, within 5 working days, either:
- (i) ask the LO 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.
72. 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 AO.

73. 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 FOI Officer. (HOE may allocate the case to herself or to a DHOE.)
74. The FOI 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 LO email to HOPI).

Enforcement action

Assistance from P&I

75. Throughout this process, the LO may be asked to offer reasonable assistance to the FOI Officer, for example:
- (i) by commenting on the accuracy of references to past contact with the public authority, or
 - (ii) 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.
76. However, it is the responsibility of the FOI Officer to make themselves aware of the background to the case and of the procedures involved in adopting the MPS in order that they can answer questions from the public authority.

Warning of enforcement action

77. Within 10 working days of the referral from P&I, the FOI 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.
78. Letter 12 must be:
- (i) sent to the Chief Executive (or equivalent) of the authority
 - (ii) copied to the person the LO has been in contact with (if any).
79. The EO 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.
80. The EO 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

81. The authority may submit a notification form to publicationschemes@itspublicknowledge.info. This mailbox is monitored by the AO who will tell the FOI Officer that the form has been received and will follow the actions set out in **Notification during enforcement action**.

Requests for extension

82. 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.
83. 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.
84. The aim of enforcement action is not to protract proceedings further. In any event, the enforcement notice must give the authority at least six weeks to comply.
85. Therefore, in most cases FOI 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

86. Authorities should be encouraged to refer to our [publication scheme resources](#), particularly the *Commissioner's Guide to the MPS*.
87. Notification queries should be referred to the AO
88. Requests for more specific advice should be referred to Policy and Information Team.
89. All officers providing advice must:

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

90. *Note: Only the FOI Officer may consider requests for extension to the compliance deadline.*

Notification during enforcement action

91. The following procedures apply when, **at any stage of the enforcement process**, the authority submits a completed notification form.
92. The AO should
- (i) **immediately** notify the FOI Officer.
 - (ii) **within 5 working days**, perform the [Error! Reference source not found.](#) for the new notification form.
93. If the submission is complete, the AO should:
- (i) (Issue **Letter 4 – Submission Complete**)
 - (ii) 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
 - (iii) **Immediately** inform the FOI Officer .
94. If the submission is incomplete, the FOI Officer should:
- (i) Make a note in the case file, setting out why the submission is deficient
 - (ii) **Immediately** forward a copy of the note to the FOI Officer.
 - (iii) 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.
 - (iv) **Immediately** alert the FOI Officer to the outcome.

95. If the submission is complete and the publication scheme case file is closed, the FOI 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 Commissioner, HOE or DHOE.)
 - (ii) Close the enforcement case file as follows:
 - (a) Status: Complete
 - (b) Outcome Date Actual: date of notification from the AO
 - (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.
96. If the submission is incomplete (for the first time at enforcement stage), the EO should, within 10 working days:
- (i) Write to the authority to advise why the submission was deficient (see the AO's email)
 - (ii) Set a new deadline for compliance within 5 working days.
97. If the submission is deficient for a second time at enforcement stage, the FOI 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)

98. 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 FOI Officer will prepare a draft Enforcement Notice. Notices must be saved in the Enforcement/Compliance folder in VC, not in the Publication Schemes folder.
99. 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 Commissioner/HOE for approval and signing.
100. When the draft has been approved, obtain a number for the Enforcement Notice from HOE/DHOE (see the Enforcement Notice tab in the year's "Decision/enforcement notice number" list).
101. Save the final version of the Enforcement Notice in VC and mark the draft for deletion.

Naming conventions

102. The naming conventions are as follows
103. For drafts: Draft Enforcement Notice/Public Authority/WP number (e.g. Draft Enforcement Notice Dotheboys Hall 201601234)
104. 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

105. The Enforcement Notice and covering letter (Letter 13) will be signed by the Commissioner or, in their absence, the HOE.
106. While the provisions of the Coronavirus (Scotland) Act 2020 remain in force, the notice and covering letter will be sent by email to the public authority.
107. If the provisions are no longer in force, the Enforcement Notice must be sent by recorded delivery. The FOI Officer 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 by post in the Investigations Handbook.
108. The Enforcement Notice will be published on the SIC's website. Arrangements for this are set out at **Appendix 5 – Publishing Enforcement Notices online**
109. The EO 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.
110. If the Enforcement Notice is complied with, action should be taken in line with **Error! Reference source not found.**
111. If the Enforcement Notice is not complied with, the FOI 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.

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

i.e. a lot of information they have to publish through the MPS. This information is available online.

Company status

3. Companies House requires companies to report formally their status: active or dissolved. You can check a company’s status via the following web service <https://find-and-update.company-information.service.gov.uk/alphabetical-search>. 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

4. 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.
5. 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.
6. 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 still 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.

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

Dissolved companies

9. 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 the AO to close the case. The AO 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

10. 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).
11. 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.
12. 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.
13. If you should establish that the company is not wholly publicly owned, save the correspondence and any attachments in the case file. Ask an AO to close the case. The AO will mark the authority as INACTIVE in the Administration / Authority record and note the date in the comments box.

Subsidiaries of POCs

14. 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

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

Mixed boards / membership representation

16. 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**.

Questions

17. Ask the HOE/DHOE for advice if you have questions regarding the definition of publicly owned company.

Appendix 2 – Bodies designated by a section 5 order

1. This section applies to bodies that have been designated as subject to FOISA by virtue of an order under section 5 of FOISA.
2. The following orders are currently in force:
 - (i) SSI 2013/278 (in force from 1 April 2014)
 - Leisure trusts created by one or more local authority, delivering functions on their behalf and in receipt of finances for those functions
 - (ii) SSI 2016/139 (in force from 1 September 2016)
 - Grant aided schools (section 135(1) of the Education (Scotland) Act 1980)
 - Independent special schools (section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004)
 - Scottish Health Innovations Ltd
 - Secure accommodation providers (paragraph 6 of schedule 12 to the Public Services Reform (Scotland) Act 2010)
 - Bodies running a prison (or part of a prison) under contract with the Scottish Ministers; sub-contractors running a prison (or part of a prison)
 - (iii) SSI 2019/143 (in force from 11 November 2019)
 - Registered social landlords and their [subsidiaries \(connected bodies\)](#)

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

10. 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.
11. 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.
12. 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 willing to share information to confirm whether they are under the Commissioner's jurisdiction.
13. 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

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

Charitable and company status

15. 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

16. 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 section 3 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 company] 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.

Therefore, [Name of authority/company] has a statutory duty to comply with the publication scheme duty in section 23 of Freedom of Information (Scotland) Act 2002. 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 [LO email] or phone [LO 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 visit www.itspublicknowledge.info/newauthorities for more information, guidance and advice.

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

Yours sincerely

[Name of LO]

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 [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.

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

Yours sincerely

[Name]

[Job Title]

Letter 3 – No notification form submission, but Guide published (for use by LO 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. While I note that there is a published Guide to Information on your authority's website at [insert URL], it appears that we have yet to receive a completed notification form from your authority. Can you please complete the attached notification form and send it to publicationschemes@itspublicknowledge.info by [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 feel free to contact me for further 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 [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 feel free to contact me for further advice.

Yours sincerely

[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 just as important, however, 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 include:

- a. Setting review dates as part of the approval process
- b. Maintaining a schedule of information which is due for publication
- c. Training staff to think about publication as they prepare information (e.g. by "thinking FOI" as they write, or marking information for redaction at publication)

- d. Making the decision to publish information a deliberate step when new information is approved
- e. Checking and updating the Guide when records management procedures are reviewed and updated.

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 this office.

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 **[today's 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 [LO name] [LO email address] [LO phone] who will be pleased to offer advice.

Yours sincerely

[Name]

[Job Title]

Letter 6 - Recommendation for enforcement action (LO)

(for use by LO 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]

[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

[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.

As of today's date, [name of 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 Commissioner's Head of Enforcement for enforcement action. This has now been done and I am contacting you on their behalf.

Unless [name of authority] takes action to comply with section 23 of FOISA by [today's date +2 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 online at www.itspublicknowledge.info.

I look forward to hearing from you.

Yours sincerely

[FOIO]

(cc to authority contact)

[Commissioner/HOE/DHOE]

Letter 13 - Enforcement Notice

(Formal letter issuing enforcement notice (can be sent by email while the Coronavirus (Scotland) Act 2020 provisions remain in force – otherwise 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 the Commissioner requires [authority] to take in order to comply with section 23 of FOISA and when those steps are required 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 EO]. As you have been previously advised, 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 also publish the Enforcement Notice online at www.itspublicknowledge.info.

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 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

Appendix 4 – Validation Tips

No URL provided

1. This is the most common problem. The 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. Open the page to see if there is a link on it 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 (the destination page from the link). This is also the address you should enter in the Workpro field (we want to point the public to the Guide).
3. If there isn't a clear link from the page indicated, the submission is incomplete.

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. Sometimes the authority will simply reproduce the Commissioner’s MPS (which is not the Guide to Information).
5. As a minimum, a Guide must contain:
 - (i) Information, organised by the classes of information
 - (ii) Advice about how to access that information (links to website content or contact details)
 - (iii) A charging policy
 - (iv) A copyright and re-use statement
 - (v) Contact details for accessing the information.
6. If it is reasonably clear to you that the authority has actually published its Guide, even though it is calling it by the wrong name, you can accept this notification as a complete submission. There is an optional paragraph in the standard approval letter that you can include to ask the authority to rename the document.

Appendix 5 – Publishing Enforcement Notices online

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

Information required prior to upload

- (i) Officer
 - (ii) Enforcement Notice number
 - (iii) Public authority
 - (iv) Case number
 - (v) Issue date
 - (vi) Date to go on website
 - (vii) Reason
 - (viii) Compliance due date
 - (ix) Status
 - (x) VC number
-
2. On the day the Enforcement Notice is issued the FOI Officer should complete the information required in the table and send it to admin@itspublicknowledge.info

Appendix 6 – Bespoke publication schemes

1. It is our “strong recommendation” that authorities adopt the Commissioner’s MPS. This is because:
 - (i) Adopting the MPS is a much easier way for an authority to comply with its publication scheme duty (authorities tell us this). Otherwise, the authority will have to produce a bespoke scheme and secure the Commissioner’s approval for it. From past experience, it takes around three months working with each authority to reach the point that we are able to approve a bespoke publication scheme. This is an inefficient use of everyone’s resources to achieve the same outcomes as would be achieved by their adopting the MPS.
 - (ii) There is a public benefit to a single publication scheme for all public authorities: it provides consistency for the public because it sets out the types of information that should be published and the rules applied to making it available to them.
2. The LO 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.
3. 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.
4. FAQs in the *Commissioner’s Guide to the Model Publication Scheme* explain the process that we will follow in response to such enquiries.
5. Firstly, the LO will discuss the relevant FAQ with the authority, trying to resolve any concerns about adoption of the MPS. Common misperceptions, for example:
 - (i) *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.
 - (ii) *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.
 - (iii) *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. For example, 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.
6. If the authority continues to want to have a bespoke scheme, the LO will ask the authority to write to the HOPI, setting out why it cannot, or does not, want to adopt the MPS.
7. If the result is the submission of a bespoke scheme for approval, the HOPI will ask the LO to assess it against the standard of the MPS and provide a report.

Appendix 7 – Timescales for publication scheme cases

Description	Action by	Timescale	Relevant reference in this document
AO sets up publication scheme case file	AO	2 working days from alert of new authority	Para 21
AO requests name of LO from HOPI	HOPI	2 working days from creation of publication scheme case file	Para 24(iv)
Issue Letter 1 to authority	AO	2 working days from nomination of LO	Para 25
Perform validation actions and respond to notification form submission (at any point in process) by issuing Letter 4 or Letter 5	AO	5 working days of receipt	Paras 30 - and actions following Validation
Authority to comply with Letter 5	Authority	Today + 10 working days	Letter 5
Authorise an extension to Letter 5	AO	Immediate (allow authority up to 5 further working days)	Para 48
Failure by authority to submit notification form by Submission Due Date – issue Letter 2	AO	5 working days after Submission Due Date	Para 56
Authority to comply with Letter 2 (by submitting notification form)	Authority	Today + 5 working days	Letter 2
Approve an extension to the Letter 2 deadline	AO	Immediate (allow authority up to 5 further working days)	Para 57
Authority fails to respond to Letter 2 – transfer case to LO	AO	Next working day after submission due date	Para 60
Following a referral by the AO - secure valid submission, issue Letter 3	LO	5 working days	Paras –67-69
Authority to comply with Letter 3 (by submitting notification form)	Authority	Today + 5 working days	Letter 3
Authority fails to comply with Letter 3 – send Letter 6 to HOPI	LO	Immediately after submission deadline	Letter 6
Respond to Letter 6 – request further action by LO, or issue Letter 3A	HOPI	5 working days	Para 71
Authority to comply with Letter 3A	Authority	Today + 5 working days	Letter 3A
Authority fails to comply with Letter 3A – refer to Enforcement	HOPI	Immediately after submission deadline	72
Respond to referral for enforcement – update Intervention case file and allocate to an FOI Officer	HOE	5 working days	Para 73
Update intervention case file and Issue warning of enforcement action to authority (Letter 12)	FOI Officer	10 working days from referral from P&I Team	Para 77
Authority to comply with Letter 12	Authority	Today + two weeks	Letter 12
Approve an extension to Letter 12 deadline (exceptional circumstances only)	FOI Officer	Immediately (allow authority max.10 working days)	Para 85
Inform FOI Officer a notification form has been received for their case	AO	Immediately	Para 92 (i)
Perform validation checks on notification form	AO	5 working days	Para 92 (ii)
Inform FOI Officer of outcome of validation process	AO	Immediately	Para 94
Notify authority of next steps (issue Letter 14, set new deadline, or notify authority of Enforcement Notice issue)	FOI Officer	10 working days from notification by the Administration Officer of validation outcome	Paras –95-97

		(allow authority max 5 working days to comply)	
Prepare and issue Enforcement Notice	FOI Officer	No timeframe specified	Paras 98 -- 107
Inform HOE if Enforcement Notice not complied with	FOI Officer	immediately	Para 111

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