



**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

**PUBLICATION SCHEME**

## **1      INTRODUCTION**

The Freedom of Information (Scotland) Act 2002 makes provision for access by members of the public to information held by public authorities, other than personal information which continues to be regulated by the Data Protection Act 1998 and other legislation.

The Freedom of Information (Scotland) Act 2002 requires all Councils in Scotland to have in place an approved Publication Scheme by 1 June 2004.

The Publication Scheme sets out what information Orkney Islands Council publishes or intends to publish for the benefit of the public, how and when this information will be published and whether the information is available free of charge or on payment. Most of the information which is included in this Publication Scheme is already publicly available; the Scheme also provides advice on how this information can be accessed.

Orkney Islands Council is already committed to principles of openness and transparency in its decision making and service delivery functions, and has sought to meet its obligations under the 2002 Act by including as much information as possible within this Publication Scheme.

The Council's Publication Scheme will be accessible, from 1 June 2004, on our website, [www.orkney.gov.uk](http://www.orkney.gov.uk), in hard copy at the Kirkwall and Stromness libraries, and at Council Offices, Kirkwall.

## **2      ABOUT ORKNEY ISLANDS COUNCIL**

Orkney Islands Council is the local authority for the Orkney Islands Area, and serves a population of approximately 20,000.

The Council delivers a full range of services typical of a Scottish local authority, in particular:-

- Education
- Social Services
- Roads and Transportation, including internal ferries
- Housing
- Environmental Services
- Leisure and Recreation

- Harbours
- Corporate Services, including registration of births, deaths and marriages

The Council comprises twenty one elected members, all of whom are independents; there is no party political representation. The Council's decision making process follows the traditional pattern of a number of committees, each with a remit covering a specific subject area, which either take decisions themselves, or which make recommendations to General Meetings of the Council. The Leader of the Council is the Convener; the Head of the Council's paid service is the Chief Executive.

For further information about how the Council makes decisions, and on its internal structures, please access the Council's Constitution and Standing Orders, and Scheme of Administration. Information on elected members is also available on the Council's website.

### **3 THE PURPOSE OF THE PUBLICATION SCHEME**

This Publication Scheme is a guide to the information which the Council routinely publishes. The term "publication" is not limited to information contained in printed or hard copy form, and many different forms of information, for example, information provided or available electronically, are as much part of the Publication Scheme as a book or a leaflet. The publication Scheme itself is in Table Form and is Appendix I.

The purpose of this Publication Scheme is to ensure that a significant amount of information is available without the need for a member of the public to make a specific request. The Council intends that its Scheme will encourage the publication of more information than it is required to publish under existing legislation, and will enhance further the Council's culture of openness in decision making.

The Publication Scheme was prepared by officials of the Chief Executive's Department, who audited information held throughout the Council, most of which is already published. In the period between the submission of the Scheme to the Scottish Information Commissioner, and 1 June 2004, the Council will consult as widely as possible on the terms and ambit of the Scheme, in order to see if improvements can be made before the Scheme is formally adopted by the Council.

The Publication Scheme is intended to make it as easy as possible for a member of the public seeking information to obtain access to it. The Scheme is divided into general Classes, designed

in such a way that a member of the public does not need to know the details of the Council's organisation and structures in order to be directed to the appropriate source of information.

#### **4 REVISION OF THE SCHEME**

The Council is required by the 2002 Act to review its Publication Scheme regularly. The Council intends to review this Scheme within one year of its implementation, by 1 June 2005. Thereafter, it is anticipated that the Scheme will be reviewed annually. Following each review, new material will be added and old material which is no longer relevant will be removed. If any new class of information is added to the Publication Scheme then the Council must notify the Scottish Information Commissioner. Any proposal to delete a class of information or add a class of information, which involves a charge, must be approved by the Scottish Information Commissioner.

#### **5 RESPONSIBILITY FOR THE PUBLICATION SCHEME**

The person with responsibility for the submission and implementation of this Publication Scheme is:-

Malcolm Burr  
Assistant Chief Executive  
Council Offices  
Kirkwall  
Orkney  
KW15 1NY

Responsibility for day to day management of the Scheme rests with:-

Ronald Tulloch  
Head of Administrative Services  
Council Offices  
Kirkwall  
Orkney  
KW15 1NY

## **6 EXEMPTIONS**

As stated earlier in this Scheme, it is the Council's aim to be as open and informative as possible. Information within any of the classes of information listed below may, however, be withheld where the Council considers that disclosure may seriously prejudice law enforcement, legal proceedings, the Council's regulatory or enforcement activities or where the disclosure is otherwise prohibited by law. The Council may also withhold information which may seriously prejudice the commercial interests or confidentiality of any person or organisation, or breach the law of confidentiality. Finally, the Council may also withhold information which is personal information (see Section 10 "Accessing Personal Information").

In these cases, the Council will withhold the information and indicate why the information is being withheld.

## **7 ARCHIVING POLICY**

The Council will undertake annual reviews of its Publication Scheme and the information contained within it. Each Publication Scheme will contain the date on which the Scheme was prepared and the date from which information will be available. Where there is no date indicated beside the information referred to, it can be presumed that that information is available from the date of the Publication Scheme.

## **8 COPYRIGHT**

Information obtained from this Publication Scheme can be copied or reproduced without permission, provided that it is copied or reproduced accurately, is not used in a misleading context and provided that the source of the material is identified and the copyright status acknowledged.

Where information is marked \*, the copyright holder of that information is a third party, whose consent must be sought before the information, even if obtained under the Publication Scheme, is copied.

## **9 ACCESSING INFORMATION**

Online: A considerable amount of the information listed in our publication scheme is available from the Council's website, [www.orkney.gov.uk](http://www.orkney.gov.uk). A link will indicate where the document may be found.

Email: If the information requested is not available on the website, the Council will make every effort to provide it by way of email, wherever possible.

Telephone: Information can be requested over the telephone, provided that full contact details, including an address and telephone number, are given, in order that contact can be made to clarify any outstanding matters.

Post: Most information is also available in paper copy form; requests for information in this form can be made to:-

Ronald Tulloch  
Head of Administrative Services  
Council Offices  
Kirkwall  
Orkney  
KW15 1NY

When requesting information, members of the public will be asked to give the following details:-

- Name and Address;
- The information or documents sought; and
- Any fee applicable.

Personal Visits: For some classes of information, members of the public will need to make an appointment to view the information. In these cases, contact should be made with:-

Ronald Tulloch  
Head of Administrative Services  
Council Offices  
Kirkwall  
Orkney  
KW15 1NY

Members of the public who may have difficulty in determining, or accessing, particular items of information, can contact Ronald Tulloch at the above address for assistance.

## **10     ACCESSING PERSONAL INFORMATION**

The 2002 Act does not give a person the right to obtain copies of information which the Council holds about them personally. Such personal information is the subject of the Data Protection Act 1998, which gives a right to living individuals to ask any person or organisation, not only public authorities, whether that organisation holds any personal data or information relating to that individual; if the authority does, the person is entitled to be given a copy of the information. The Data Protection Act allows a fee to be charged, up to a maximum sum of £10, or up to £50, in the case of education records.

Requests for information in terms of the Data Protection Act must be made in writing and addressed to:-

Mr David J Thompson  
Head of Legal Services  
Orkney Islands Council  
Council Offices  
Kirkwall  
KW15 1NY

Telephone: 01856 873535

It should be noted that the Council will require proof of identity before responding to a request for personal information and, accordingly, telephone and email requests are not appropriate.

## **11 CHARGES**

Single copies of the information covered by this publication scheme are provided free, unless otherwise stated. The Council will provide additional copies of the information covered by this publication scheme. However, if in providing the information sought, the Council is required to incur photocopying, printing or postage costs, or is required to create videos or cds, the member of the public will be informed of the cost before the request is taken further.

Information on the Council's website is free, although members of the public may incur costs from an internet service provider.

There is no charge for electronic copies provided by email, or for inspecting documents within Council Offices.

There is no charge for inspecting historical material within the Council's Archives.

## **12 INFORMATION NOT INCLUDED IN THE PUBLICATION SCHEME**

This publication scheme lists information which the Council intends to make available routinely; the right of a member of the public to request any other information from the Council is not limited. Other requests for information should be made to:-

Mr Ronald Tulloch  
Head of Administrative Services  
Orkney Islands Council  
Council Offices  
Kirkwall  
KW15 1NY

Telephone: 01856 873535

From 1 January 2005, the 2002 Act gives members of the public the right to see any information held by the Council, subject to certain exemptions and conditions. The Act is fully retrospective, and information dating from before 1 January 2005 is therefore open for public inspection and access. Procedures to process such requests will be in place prior to full implementation of the Act.

Until 1 January 2005, the Council will make every effort to answer requests for information under existing procedures.

### **13      COMPLAINTS**

The Council is determined to ensure that its services are delivered efficiently and effectively, including requests for information under the 2002 Act.

Any complaints or comments about the publication scheme, or on the handling of requests for information, should be submitted through the Council's corporate Complaints Procedure, leaflets regarding which are available at Council Offices and in a number of other locations throughout Orkney.

From 1 January 2005 the 2002 Act introduces a formal appeals procedure for anyone who wishes to complain about information being withheld after a request, with the right, ultimately, to ask the Scottish Information Commission to investigate the case. The Commissioners address is:-

The Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
FIFE  
KY16 9DS  
Tel: (01334) 464 610  
Fax: (01334) 464 611  
Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

## **14     INDEX TO CATEGORIES AND CLASSES**

The categories used within this publication scheme, which reflect the principal duties and functions of the Council, are as follows:-

**Advice, Benefits and Emergencies**  
**Business**  
**Community, People and Living**  
**Council and Democracy**  
**Education**  
**Environment**  
**Health**  
**Housing**  
**Jobs and Careers**  
**Leisure**  
**News**  
**Policy, Plans and Documents**  
**Social Care**  
**Transport and Streets**