



## Guide to Information

### Freedom of Information (Scotland) Act 2002

Version: 2.0  
Effective Date:  
31/10/2017

#### Introduction

The Freedom of Information (Scotland) Act 2002 (FOISA) requires Scottish public authorities to produce and maintain a publication scheme. Authorities are under a legal obligation to:

- Publish the classes of information that they make routinely available;
- Tell the public how to access the information and what it might cost.

North Ayrshire Council has adopted the Model Publication Scheme developed and approved by the Scottish Information Commissioner. The Commissioner is responsible for enforcing FOISA.

The model scheme can be viewed online at [www.itspublicknowledge.info/mps](http://www.itspublicknowledge.info/mps) or by contacting the Scottish Information Commissioner at the address below.

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS

The purpose of this Guide to Information is to:

- Allow the public to see what information is available (and what is not available) in relation to each class;
- State what charges may be applied;
- Explain how to find the information easily;
- Provide contact details for enquiries and to get help with accessing the information;
- Explain how to request information we hold that has not been published.

The Guide is split into the following six sections:

- Availability and formats
- Exempt information
- Copyright

- Charges
- Contact Us
- The Classes of Information that we publish.

### **Availability and formats**

The information we publish through the model scheme is, wherever possible, available on our website. We offer alternative arrangements for people who do not want to, or cannot, access the information online or by inspection at our premises. For example, we can usually arrange to send information to you in paper copy (although there may be a charge for this – see Charges below).

### **Exempt information**

If information described by the Classes cannot be published and is exempt under Scotland's freedom of information laws (for example sensitive personal information or a trade secret), we may withhold the information or provide a redacted version for publication and we will explain why we have done so.

### **Copyright and re-use**

Where North Ayrshire Council holds the copyright in its published information, the information may be copied or reproduced without formal permission, provided that:

- It is copied or reproduced accurately;
- It is not used in a misleading context;
- The source of the material is identified.

Where North Ayrshire Council does not hold the copyright in information we publish, we will make this clear.

### **Re-use of Public Sector Information**

Access to the information does not mean copyright has been waived, nor does it give the recipient the right to re-use the information for a commercial purpose. If you intend to re-use information obtained from the scheme, and you are unsure whether you have the right to do so, you are advised to make a request to North Ayrshire Council to re-use the information. Your request will be considered under the Re-Use of Public Sector Information Regulations 2015 (RPSIs) for which a charge may be imposed. In the event that a charge is payable, you will be advised what this is and how it has been calculated. If you would like more information on the re-use of information, please contact the Information Governance Manager.

Guidance on the RPSI regulations can also be found on The National Archives website

<http://www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/>.

## **Charges**

Unless otherwise specified in the Classes of Information, all information published through this scheme is available free of charge where it can be downloaded from our website, or where it can be sent to you electronically by email.

We reserve the right to impose charges for providing information in paper copy or on digital format such as computer disc. Charges will reflect the actual costs of reproduction and postage to the Council, as set out below.

In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

**Reproduction costs:** where charges are to be applied, photocopied information will be charged at a standard rate of 10p per A4 side of paper (black and white copy) and 30p per A4 side of paper (colour copy).

**Postage costs:** we will pass on postage charges to the requester at the cost to the Council of sending the information by second class post.

We are required by the Equality Act 2010 to take steps to meet the needs of people who require assistance to access information. This means making reasonable adjustments to our practices to ensure that information is physically accessible. This may, for example, involve producing information in a larger script or different format where it is practicable to do so. The costs of this will be met by the Council.

## **Charges for information available only through request**

### **Non-environmental information**

While it is possible to charge a fee for providing information under FOISA, the Council does not normally charge anyone for making requests nor for providing information under FOISA.

In cases which involve a large amount of work, a charge may be considered in accordance with the Fees Regulations under Section 9 of FOISA. The regulations state that:

- The first £100 of costs are provided free of charge.
- For projected costs above £100, the council may issue a fees notice, in which we will charge up to 10% of the portion between £100 up to £600 (i.e. to a maximum of £50).

- Where projected costs include the cost of staff time in locating and retrieving the information, the cost of staff time must not exceed £15 per hour for each member of staff engaged on the task. This is a maximum rather than a standard rate to be applied in every case, particularly where staff costs prove to be lower.
- The prescribed maximum amount is £600. We may charge the full amount for a request which exceeds £600, but can refuse a request if the cost of answering it breaches this limit (Section 12 of FOISA).

### **Environmental information**

As with FOISA, it is possible to charge a fee for providing environmental information on request, although the specific charging rules are different. In particular, there are no upper or lower limits to the fee that may be charged. Instead the Environmental Information (Scotland) Regulations 2004 (EISR) merely state that the fees shall not exceed “a reasonable amount” and must not exceed the actual costs of producing the information requested.

Where a fee is charged, payment must be made in advance of providing the information. The applicant gets written notice of this and thereafter, has 60 working days to pay. The response timescale is suspended during this time. The council must publish a schedule of charges and information on the circumstances in which a fee may be charged, waived or has to be paid in advance.

It is not permitted to charge for allowing access to registers of environmental information, or for allowing an applicant to examine information at Council offices (as opposed to being given a copy of it).

The EISR schedule of fees is available on the Council website, <https://www.north-ayrshire.gov.uk/council/access-to-information/environmental-information-regulations.aspx>.

### **Contact Us**

You can contact us for assistance with any aspect of this scheme, guide to information and to ask for copies of the Authority’s published information:

Information Governance Manager

North Ayrshire Council

Cunninghame House

Irvine

KA12 8EE

Tel: 01294 324128

Email: [freedomofinformation@north-ayrshire.gov.uk](mailto:freedomofinformation@north-ayrshire.gov.uk)

We will also provide reasonable advice and assistance to anyone who want to request information which is not published.

### **The classes of information that we publish**

We publish information that we hold within the following classes. Once information is published under a class we will continue to make it available for the current and previous two financial years.

Where information has been updated or superseded, only the current version will be available. If you would like to see previous versions, you may make a request to us for that information.

<b>Class 1: About the authority</b>
Description: Information about the authority, who we are, where to find us, how to contact us, how we are managed and our external relations.
The information we publish under this class:  North Ayrshire Council is a unitary local authority delivering services to approximately 138,000 people in the west of Scotland. North Ayrshire covers an area of around 886 sq. km and has a coastline of 225km. The Council headquarters are in Irvine and services a wide range of towns and rural communities, as well as the islands of Arran and Cumbrae.  The Council can be contacted by telephone on: 01294 310000  Our postal address is: North Ayrshire Council Cunninghame House Irvine KA12 8EE  Our email address is: <a href="mailto:contactus@north-ayrshire.gov.uk">contactus@north-ayrshire.gov.uk</a>  <a href="#">Council Information</a> <ul style="list-style-type: none"><li>• <a href="#">Council Structure</a> (including senior management organisational chart)</li><li>• <a href="#">Key Facts and Figures</a></li> <li>• <a href="#">How to Contact Us</a></li><li>• <a href="#">North Ayrshire Council Plan</a></li></ul>

- [Our Committees](#)
- [North Ayrshire Community Planning Partnership](#)
- [North Ayrshire Health & Social Care Partnership](#)

### **Class 2: How we deliver our functions and services**

Description: Information about our work, our strategy and policies for delivering functions and services and information for our service users.

The information we publish under this class:

- [Council Plan](#)
- [Directorate Plans](#)
- [Strategies, Plans and Policies](#)
- [Planning Applications and Building Standards](#)
- [Local Development Plans](#)
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### **Class 3: How the authority takes decisions and what it has decided**

Description: Information about the decisions we take, how we make our decisions and how we involve others.

The information we publish under this class:

- [Our Committees and Meetings](#)
- [Our Councillors](#)
- [Consultations](#)
- [Community Planning Partnership](#)

### **Class 4: What the authority spends and how it spends it**

Description: Information about our strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent).

The information we publish under this class:

- [Council Performance](#) (North Ayrshire Performs)
- [Our Budgets and Finance](#) (Budget Books, Annual Accounts)
- [Payments to Suppliers](#)

- [Expenditure on Consultants](#)
- [Members Expenses and Allowances](#)

**Class 5: How the authority manages its human, physical and information resources**

Description: Information about how we manage the human, physical and information resources of the authority.

The information we publish under this class:

People & Transformation is part of the Directorate for Finance & Corporate Services.

- [HR Policies and Guides](#)
- [Our Recruitment Process](#)
- [Job Vacancies at North Ayrshire Council](#)

The Council's land and property assets are the responsibility of the Place Directorate.

- [Place Directorate Plans](#)
- [Council Housing](#)

Council Information

- [How to access information](#) (e.g. Freedom of Information, Data Protection)
- [Libraries and Local History](#)

**Class 6: How the authority procures goods and services from external providers**

Description: Information about how we procure goods and services, and our contracts with external providers.

The information we publish under this class:

[Tenders and Procurement](#)

- [Procurement Strategy](#)
- [Procurement Process](#)
- [Procurement Opportunities and Existing Contracts](#)
- [Contracts Register](#)

**Class 7: How our authority is performing**

Description: Information about how the authority performs as an organisation, and how well it delivers its functions and services.

The information we publish under this class:

- [Council Performance](#) (North Ayrshire Performance)
- [Audits and Inspections](#)
- [Achievements, Recognition and Awards](#)

**Class 8: Our commercial publications**

Description: Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g. bookshop, museum or research journal.

The information we publish under this class:

North Ayrshire Council does not currently have any information under this class.

**Class 9: Our Open Data**

Description: Open data made available by the authority as described by the Scottish Government's Open Data Resource Pack and available under an open licence.

The information we publish under this class:

- [Open Data Strategy and Portal](#)