

# FOI is changing – are you ready?



How well is your organisation proactively releasing information?

### Your obligations

Under the Freedom of Information Act (“the Act”), it is the duty of every public authority to adopt and maintain a publication scheme. Publication schemes facilitate the proactive release of information and play a crucial role in supporting and providing greater openness and transparency across the public sector.

### The new model scheme

In line with section 20 of the Act the Information Commissioner has approved a new model publication scheme which should be adopted by all public authorities and will be effective from **1 January 2009**.

To assist authorities in preparing for adoption and operation of the scheme and to ensure they publish in accordance with it, guidance has been produced and is available at [www.ico.gov.uk](http://www.ico.gov.uk).

### Adopting the scheme

Authorities should adopt the model scheme in its entirety. An authority is not required to inform the Information Commissioner it has adopted the scheme; he will assume the authority has done so unless he hears otherwise.

**The approval of  
all current schemes  
expires on  
31 December 2008**

## Non-compliance

### **Not adopting a scheme**

An authority will be in breach of the Act if it does not adopt an approved scheme.

### **Not publishing in accordance with a publication scheme**

An authority will also be in breach of the Act if it does not publish in accordance with the scheme it has adopted.

## Enforcement policy

The Information Commissioner will consider complaints brought to his attention concerning the adoption and operation of the model scheme. His office will also monitor the adoption and operation of the model scheme from early 2009.

## Adoption of a scheme

If an authority fails to adopt a scheme, the ICO will attempt to informally resolve the matter. However, any delay in or failure to engage with this process may result in an enforcement notice being served, requiring the immediate adoption of an approved scheme.

## Not publishing in accordance with the scheme

If it appears that information has not been published in accordance with the publication scheme, the ICO may investigate the reasons for this.

Should there be no satisfactory justification for the failure to publish, the ICO would require the authority to provide the information immediately and to ensure that in future it is routinely supplied. Any continued failure to provide the information may result in an enforcement notice being served.

## Enforcement notice

If an authority fails to comply with an enforcement notice the Information Commissioner can certify this in writing to the High Court who may find the authority in contempt of court. This may well result in an unlimited fine or imprisonment.

**Information Commissioner's Office**  
**Wycliffe House, Water Street, Wilmslow, Cheshire, SK9 5AF**

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