

What public authorities in the Health Sector are covered by the Freedom of Information (Scotland) Act?

The Freedom of Information (Scotland) Act at Part 4 of Schedule 1 lists the public authorities in the health sector covered by the Act. These include health boards, special health boards and NHS independent contractors. Therefore, general medical practitioners, general dental practitioners, optometrists, ophthalmic medical practitioners (to the extent that they provide general ophthalmic services), community pharmacy contractors and appliance suppliers on a Board or Trust list are all covered by the Act.

What are the implications of the Act for public authorities?

The Act states that any person can receive information that they request from a public authority, subject to certain exemptions such as protection of personal data, commercial confidentiality or national security. This right comes into force on 1 January 2005.

In addition, every Scottish public authority is required to adopt and maintain a publication scheme approved by the Scottish Information Commissioner.

What is a publication scheme?

A publication scheme lists the classes of information which an authority routinely publishes. The publication scheme should be available on the authority's website, or provided on request. Publication schemes should provide information about the services provided by the authority, decision-making processes, the use of public funds and the standards of the services provided. There are two types of publication scheme, one produced for a specific authority called a bespoke scheme and another known as a model publication scheme.

The Act allows the Commissioner to approve model publication schemes in respect of public authorities falling within particular classes and carrying out similar activities (see below for model schemes developed for the health sector). Once it has been approved, public authorities within that class can simply adopt the model scheme, rather than having to prepare a bespoke scheme.

How do I adopt a Model Publication Scheme?

To adopt a Model Publication Scheme, an authority must complete a copy of the relevant Model Publication Scheme. A Model Scheme is a template containing various fields where contractors adopting the scheme must insert certain details, such as name and address. In some cases, an authority will then be required to inform the Commissioner that they have adopted the relevant scheme by completing and submitting the appropriate form (OSIC3 form). See below for more details.

Is every independent contractor required to have their own scheme?

For the purposes of the Act, each independent contractor is regarded as a separate authority. The Commissioner is prepared to accept practice-based schemes, however, recognising that to do otherwise could be confusing to members of the public trying to access information. Nevertheless, each contractor in the practice will be individually responsible for the publication scheme.

What should be done once I have adopted a Model Publication Scheme?

Independent Contractors in the health sector who adopt one of the four main approved Model Publication Schemes are not required to inform the Commissioner that they have done so. The Commissioner will assume that contractors have signed up to the relevant Model Publication Scheme unless he is informed otherwise. The four main schemes are:

- GPs – scheme by the Scottish General Practitioners Committee
- Dentists – scheme by the British Dental Association
- Optometrists – scheme by Optometry Scotland
- Community Pharmacists – scheme by Community Pharmacy Scotland

The Scottish Information Commissioner carries out monitoring activities to ensure that public authorities have adopted a publication scheme.

Do I have to adopt the Model Publication Scheme?

No. You do not have to adopt the relevant model publication scheme. If you wish, you can produce your own publication scheme and have it approved by the Commissioner in the normal way. Detailed guidance for the production of publication schemes is available on Community Pharmacy Scotland website.