



Freedom of Information Publication Scheme (England, Wales and Northern Ireland)

The Freedom of Information Act 2000 aims to promote a culture of openness and accountability amongst public authorities (in this case dentists, who provide NHS treatment) by providing people with rights of access to information held by them.

- Every dentist working under the NHS must make certain information available through a publication scheme to anyone who asks for it
- The Information Commissioner's Office (ICO) has published guidance which is provided unedited in pages 2-4 of this document
- The ICO provides a model template on which the template below is based
- The user remains responsible to ensure that their final version complies with the legislation
- The information contained in the publication scheme must be published, or made public. The manner or format in which that information will be made available should be specified within each class (e.g. by hard copy, via memory stick, via a website or via CD Rom)
- Much of the information covered by the scheme will be available at no charge as it will already be available in the practice (e.g. in the practice leaflet) or on the practice website. However, where a practice will charge for information the cost must be reasonable and included in the scheme
- Dentists should also consider appropriate ways of publishing their schemes other than on the internet and take into account the needs of disabled people. If you have a website, the model scheme should be available online and easy to find. Otherwise, make sure it is publicised in another way, for example by announcing the new scheme in a newsletter or on a public notice board
- Changes to the Freedom of Information Act have added a requirement for practices to publish 'data-sets', upon request, in an electronic format that can be re-used, unless it would not be appropriate to do so. For more information see the ICO guidance on page 3 of this document
- It would not be appropriate for a practice to publish a 'data-set' if publication would breach data protection requirements or patient confidentiality
- A practice must publish information in accordance with its publication scheme
- A practice must perform periodic review of its publication scheme

Guidelines

Having read through this module you will need to elect a publication scheme leader who could be the practice manager. This person is the point of contact for information enquiries and is responsible for keeping the scheme up to date.

Once the publication scheme leader has modified and completed the template to suit the practice situation, s/he should produce several copies of the document and keep them at reception for easy access by the members of the public. A few copies in a large print should be made available for visually impaired people.

You can also upload the completed version to your website for download.

Further information

[Publication scheme guidance – ICO website](#)

Telephone the ICO: 0303 123 1113



Freedom of Information Act 2000

Guide to information provided by NHS dentists under the model publication scheme (England, Wales and Northern Ireland)

Introduction

The Freedom of Information Act 2000 (FOIA) requires all public authorities to adopt and maintain a publication scheme. In 2008 the Information Commissioner's Office (ICO) introduced a single generic model publication scheme, for adoption by all public authorities that are subject to FOIA.

The model publication scheme commits a public authority to *'produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public'*. This is a very general scheme based on the principle that all public authorities need to recognise the public interest in the transparency of the services provided for and paid for by the general public. It is a commitment to make information easily available to the public.

Dentists providing dental services under contracts with the NHS in England, Wales and Northern Ireland are public authorities in respect of information relating to those services.

Note: The publication scheme is only for information held as a public authority.

The Model publication scheme is available on the ICO website. Further details are available in ICO guidance: Using the definition documents.

The model scheme must be adopted in full, unedited and promoted alongside the guide to information. Public authorities are not required to inform the ICO that they have adopted the scheme; we will assume they have done so unless we hear otherwise.

A public authority is in breach of FOIA if it has not adopted the model scheme or is not publishing in accordance with it.

To assist dentists, we have produced this template guide to information. The template will help them to draw up their guide to information, indicating what information they will provide, how it will be provided and whether any charge will be made for its provision. They should consider expanding elements of it to provide greater explanation and additional information, where this can be done. For example, if there are specific plans for the provision of NHS services these could be detailed. It is not necessary to submit the guide completed by the practice to the ICO for approval.

This and the model scheme document itself form the basis of the publication scheme commitment by NHS dentists.

Information included in the guide to information

The template lists the information we think that dentists should hold and make available within each class. When completed, this will provide a list of all the information the dentist will make routinely available, explain how it can be accessed and whether or not a charge will be made for it. Dentists must:

- state how the specific information can be obtained and if there is a cost involved;
- complete the relevant columns in the template guide; and
- ensure the public can access the completed guide and the information listed in it.

The guide, like the model scheme document itself, does not need further approval by the Information Commissioner.

Dentists should note that they are not expected to routinely publish all information; for example, where they do not hold it or where it is publicly available elsewhere or is exempt. We list such circumstances below.



We would expect dentists to make the information in the guide available unless:

- they do not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another statute;
- the information is readily and publicly available from an external website; such information may have been provided either by the dentist or on their behalf. The dentist must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or
- it would be impractical or resource-intensive to prepare the material for routine release.

If the information is only held by another public authority, the dentist should provide details of where to obtain it.

For guidance on responding to requests for personal data, please refer to [the Subject Access code of practice](#).

Datasets: publishing datasets for re-use

The law requires public authorities, including dentists, to publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

FOIA requires public authorities, including dentists, to publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so.

For the purpose of this guide to information, a dataset is a collection of factual raw data held electronically that has been obtained or recorded in connection with providing NHS dentistry. The dataset provisions are about making information that is released under FOIA available for re-use. Dentists do not have to publish in their publication schemes any information that would be exempt from disclosure in response to a FOIA request eg patient records.

If dentists are making a dataset routinely available under their publication scheme, then so far as reasonably practicable, they must publish it in an electronic form that is capable of re-use. If the dataset or any part of it is a relevant copyright work and the dentist is the only owner of the copyright, they must make it available for re-use under the terms of a specified licence. The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published [guidance on the dataset provisions in FOIA](#). This explains what is meant by "not appropriate" and "capable of re-use".

**Fees and charging**

Information available through a dentist's publication scheme should be readily available at a low cost or at no cost to the public. If a dentist does charge for this information, we expect the charges to be justifiable, clear and kept to a minimum.

Charges may be made for activities such as printing, photocopying and postage as well as information that the dentist is legally authorised to charge for. Anyone requesting information must be informed of any charge before the information is provided. Dentists may ask for payment before providing the information. Guidance on our website: [Charging for information in a publication scheme](#) provides more details.

If the dentist charges a fee for licensing the re-use of datasets, they should state in the guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. The dentist cannot charge a re-use fee if they make the datasets available for re-use under the Open Government Licence.

FOI requests and the publication scheme

It is important to note that a publication scheme simply sets out the information that is routinely available. Information that is not listed in the guide to information can still be requested and should be made available unless it can be legitimately withheld.



Information available from Priory Dental Practice *providing dental services under contract to the NHS*) under the Freedom of Information Act model publication scheme

Information covered by this scheme is only about the dental services we provide under contract to the National Health Service.

	How the information can be obtained	Cost
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts)	Practice website: www.priorydental.com	NIL
Who's who in the practice	Practice website: www.priorydental.com	NIL
Contact details for the practice (named contacts where possible with telephone number and email address (if used))	Practice website: www.priorydental.com	NIL
Opening hours	Practice website: www.priorydental.com	NIL



Details on NHS funding received by the practice and the cost of operating the NHS contract. We would expect dentists to consider publishing as much information as possible, including as much detail as possible.	Available from NHS England South Region www.england.nhs.uk/south	Request from NHS England
Total annual expenditure on the provision of our contracted services (since most practices also provide care to patients on a private basis, the costs have been apportioned)	Available from NHS England South Region www.england.nhs.uk/south	Request from NHS England
Audit of NHS income, if held	Not held	
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews) Current and previous year as a minimum	Available from NHS England South Region www.england.nhs.uk/south	Request from NHS England



Performance data including performance against targets	Available from NHS England South Region www.england.nhs.uk/south	Request from NHS England
Practice inspection. Inspection reports by regulators (for England: the Care Quality Commission (CQC); Wales: Healthcare Inspectorate Wales; or Northern Ireland: the Regulation and Quality Improvement Authority (RQIA))	See CQC Website: www.cqc.org.uk	Request from CQC
Class 4 – How we make decisions (Decision making processes and records of decisions) Current and previous year as a minimum	Practice Meetings: All minutes are kept on site	NIL
Records of decisions made in the practice/firm affecting the provision of NHS services.	Practice Meetings: All minutes are kept on site	NIL
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only. Here we have listed the policies we would expect practices	Hard Copies kept in a policy file at the practice. Reviewed and updated regularly.	NIL



to have. Any additional policies should also be listed. Mark "not held" against any policies that are not actually held.		
Policies and procedures about customer service	See hard copies in policy folder	NIL
Policies and procedures about employment of staff	See hard copies in policy folder	NIL
Equality and diversity policy	See hard copies in policy folder	NIL
Health and safety policy	See hard copies in policy folder	NIL
Infection control policy	See decontamination file and policy in surgeries	NIL
Radiation protection checklist	See radiation protection file	NIL
Complaints procedures (including those covering requests for information and operating the publication scheme)	In patient information folder in reception	NIL
Records management policies (records retention, destruction and archive)	See hard copies in policy folder	NIL
Confidentiality and data protection policies	See hard copies in policy folder	NIL
Policies and procedures for handling requests for information	See hard copies in policy folder	NIL
Practice information leaflet	Available at reception	NIL



Class 6 – Lists and Registers Currently maintained lists and registers only	GDC registers available online – www.gdc.org.uk See also patient information folder in reception	NIL
Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public) Current information only	Practice website: www.prioryroad.com Price list available in reception	NIL
The services provided under contract to the NHS	Available from NHS England South Region www.england.nhs.uk/south	Request from NHS England
Information leaflets	Available in reception	NIL
Out of hours arrangements	On our answerphone message, website and patient information folder	NIL