



Office of the Commissioner for Public Appointments in Scotland

FREEDOM OF INFORMATION PUBLICATION SCHEME

Date adopted: 16/03/2006

Date of last review: 21/02/2008

Date must be reviewed by: 31/12/2008

Approved by OSIC until 1 June 2011

OFFICE OF THE COMMISSIONER FOR PUBLIC APPOINTMENTS IN SCOTLAND

1. INTRODUCTION

1.1 The Freedom of Information (Scotland) Act 2002 (the Act) gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. Any person who makes a request to a public authority for information is entitled to receive that information, subject to exemptions.

1.2 This is the Publication Scheme for the Office of the Commissioner for Public Appointments in Scotland, as required by section 23 of the Freedom of Information (Scotland) Act 2002, as amended by Schedule 4 of the Public Appointments and Public Bodies etc (Scotland) Act 2003. Under the Act the Office of the Commissioner for Public Appointments in Scotland must adopt and maintain a publication scheme setting out the information we routinely make publicly available. Our scheme has to be approved by the Scottish Information Commissioner, who is responsible for the enforcement of the Act. In addition we have to review the scheme from time to time. In adopting (or reviewing) our publication scheme, we are required to have regard to the public interest in:

- allowing public access to information we hold; and
- the publication of reasons for the decisions we make.

1.3 Our publication scheme must:

- set out the classes of information which we publish or intend to publish
- say how we will publish the information in each class; and
- say if we will provide the information free of charge or on payment of a fee.

The purpose of our publication scheme is to let you know what information is readily available from us. By readily available we mean that the information can be obtained from us on request.

2. ABOUT THE OFFICE OF THE COMMISSIONER FOR PUBLIC APPOINTMENTS IN SCOTLAND

Scottish Ministers make a large number of appointments to public bodies each year. These bodies, known as Non Departmental Public Bodies, have a role to play in the running of the country. They act to a greater or lesser degree at arms length from Ministers, although Ministers remain accountable for the bodies' performance.

Public bodies are diverse. They range from local NHS boards to national bodies such as Scottish Water or more specialist advisory bodies such as the Advisory Committee on Sites of Special Scientific Interest. The skills and experience required of board members is equally varied. They include being able to contribute to decision making at a strategic level, having professional expertise in a particular field, or representing consumer interests on matters such as the water industry. The terms of appointment also vary considerably in time commitment and whether posts are paid or unpaid.

The Office of the Commissioner for Public Appointments in Scotland was established by the Public Bodies and Public Appointments etc (Scotland) Act 2003 to regulate, monitor, report and advise on the way in which Ministers make appointments to the boards of public bodies within the Commissioner's remit, to ensure appointments are made in a way which is open transparent and based on merit. The Office of the Commissioner was established on 1 June 2004.

3. RESPONSIBILITY FOR THE PUBLICATION SCHEME

The person with overall responsibility for this publication scheme is:

Mr Ian Bruce
Compliance Manager
Office of the Commissioner for Public Appointments in Scotland
MWB Business Exchange
9-10 St Andrew Square
Edinburgh
EH2 2AF

Tel: 0131 718 6382

E-mail: info@publicappointments.org

Website: www.publicappointments.org

3.2 The person with day to day responsibility for the scheme is:

Mr Ian Bruce
Compliance Manager
Office of the Commissioner for Public Appointments in Scotland
MWB Business Exchange
9-10 St Andrew Square
Edinburgh
EH2 2AF

Tel: 0131 718 6382

E-mail: info@publicappointments.org

Website: www.publicappointments.org

4. EXEMPTIONS

All information included in this Scheme must be provided promptly on request (subject to the exemptions discussed in this section).

From 1 January 2005, the general entitlement to information under section 1 of the Freedom of Information (Scotland) Act 2002 will enable members of the public to make a request for information that is not in this scheme

The Office of the Commissioner for Public Appointments in Scotland's aim is to be as open as possible. However, information may be withheld from any of the classes of information listed below where we consider that the disclosure may fall within one of the exemptions contained in the Act. For example, we may withhold information if its disclosure would breach the law of confidentiality or seriously prejudice the commercial interests of any person or organisation. We will also withhold information which is personal data under the Data Protection Act 1998.

In these cases, we will withhold the information and indicate why the information is being withheld. Even where an exemption exists, it may nevertheless be possible to provide copies with the exempted information edited out.

If you wish to complain about information which is being withheld from you, please read the "complaints" section at paragraphs 8.1 and 8.2.

5. COPYRIGHT

Information obtained from this publication scheme can be copied or reproduced without formal permission provided 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.

Some material we include in our scheme may be the copyright of a third party. Our rights to hold and use such material do not extend to others. You must obtain authorisation from the copyright holder(s) concerned if you wish to copy or reproduce such material.

6. ACCESSING INFORMATION UNDER THE PUBLICATION SCHEME

Information included in this publication scheme will be available from the Office of the Commissioner for Public Appointments in Scotland's website:

www.publicappointments.org

For those without access to the website, or those wishing to make a request for information in paper form, the Office can be contacted in the following ways:

E-mail: info@publicappointments.org

Tel: 0131 718 6058

Fax: 0131 718 6158

Post: Office of the Commissioner for Public Appointments in Scotland
9-10 St Andrew Square
Edinburgh
EH2 2AF

The staff of the Commissioner will be happy to assist should you have difficulty determining the information you wish to see. In all cases it would be helpful if you included your contact telephone number, so that the Office can telephone to clarify any details, if necessary.

7 CHARGING POLICY

The information contained in our scheme is available free of charge on our website. For those without internet access a single printout (or bound copy, in the case of some types of document) can be obtained – also free of charge – by post, by contacting the Office as set out in paragraph 6.2.

8. COMPLAINTS

8.1 If you are unable to resolve any complaint about information being withheld from you, you can complain to the Scottish Information Commissioner who oversees the Act. From 1 January 2005, when the general right of access comes into force, there will be a formal appeal mechanism when information is withheld. Further details on this will be available on the Scottish Information Commissioner's website at www.itspublicknowledge.info before this date.

8.2 The Scottish Information Commissioner is Kevin Dunion and he can be contacted at Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS; telephone number 01334 464610; e-mail enquiries@itspublicknowledge.info

9. FEEDBACK

- 9.1 As part of our statutory duty we are required to review our publication scheme periodically. The Office of the Commissioner for Public Appointments in Scotland welcomes feedback on how we can develop our scheme further. If you want to make any comments about the publication scheme or if you require any assistance please contact the office as set out in paragraph 6.2.

10. CLASSES OF INFORMATION

The following are the classes of information which the Office of the Commissioner for Public Appointments in Scotland intends to make available.

- 10.1 Role of the Office of the Commissioner for Public Appointments in Scotland.** Information about the appointment of the Commissioner and her remit; and information on the business objectives of the Office of the Commissioner.
- 10.2 Information about Ministerial appointments to Public Bodies.** This includes information relating to the principles and process of selection and appointment, the auditing and monitoring of such appointments' processes, complaints about any process, reporting of cases to the Scottish Parliament and independent scrutiny. It also includes information relating to areas of research conducted on the instruction of the Commissioner in areas considered relevant and important in assessing past performance or framing future policy decisions. This excludes information which might breach the confidentiality of candidates. It does not exclude information about a public appointments process which may lead to the identification of one or more of the people appointed as a result of that process.
- 10.3 Press Notices.** Press notices released by the Office of the Commissioner for Public Appointments in Scotland relating to its work.
- 10.4 Annual Reports.** Text of the Commissioner's Annual Reports.
- 10.5 Evidence to Parliamentary and other Committees** Evidence given in public examination by the Commissioner to Committees of the Scottish Parliament and the Committee on Standards in Public Life
- 10.6 Keynote speeches.** Formal keynote speeches given by the Commissioner or members of the Office on the work of the Office of the Commissioner.
- 10.7 Details of staff.** Contact details of officials working in the Office of the Commissioner for Public Appointments in Scotland.