

SHETLAND TRANSPORT PARTNERSHIP

PUBLICATION SCHEME

(UNDER SECTION 23 OF THE FREEDOM OF INFORMATION (SCOTLAND) ACT
2002)

MARCH 2006

1. INTRODUCTION

The aim of the Freedom of Information (Scotland) Act 2002 (which is referred to as “the Act” throughout the remainder of this document) is to allow the public greater access to information held by public authorities in Scotland. The Act came into effect on 1 January 2005.

The Act requires public authorities to produce and maintain a publication scheme, which must be approved by the Scottish Information Commissioner. Publication schemes are intended to publicise the information held by public authorities and assist people in obtaining that information. Public authorities are required to respond to requests from individuals for information under the Act.

The Shetland Transport Partnership is committed to the principles of openness and transparency in the conduct of its business. It is intended that this scheme which has been prepared under section 23 of the Act will increase awareness of the Partnership’s work and decision making processes.

Information on other aspects of the Act can be found in section 7. Further details concerning the Act can be obtained from the office of the Scottish Information Commissioner. Contact details for the Commissioner are contained in section 13.

2. ABOUT THE SHETLAND TRANSPORT PARTNERSHIP (STP)

The Shetland Transport Partnership (STP) is one of seven Regional Transport Partnerships established under the Transport (Scotland) Act 2005. The Partnership was formally established on 1 December 2005 and is established for the region which comprises the area of Shetland Islands Council.

The Shetland Transport Partnership will operate at a strategic level and will be responsible for such transport functions as are transferred to it by Order. Its core task will be the development of a statutory regional transport strategy, which requires to be completed by March 2007.

The Shetland Transport Partnership is governed by a Board comprising four Councillors from Shetland Islands Council. They are joined by two non-Councillor members, nominated by NHS Shetland and Shetland Enterprise, who will initially be appointed by the Scottish Ministers in April 2006. The Board meets in public every two months and details of meetings are available on our website or on request.

Further information about the work and organisation of the Partnership is available at <http://www.shetland.gov.uk/transport/bus/SIC-ShetlandRegionalTransportPartnership.asp> or through the contact details listed in section 12.

3. FORMULATING OUR SCHEME

What is a Publication Scheme?

Under section 23 of the Act, public authorities such as regional transport partnerships are required to prepare, adopt and maintain a scheme which sets out information that it makes available to the public and in what format the information can be obtained. This scheme, known as a Publication Scheme, has to be approved by the Scottish Information Commissioner.

How the Publication Scheme was Formulated?

When formulating the scheme for the Shetland Transport Partnership we considered the public interest in providing information about:

- How we are organised
- How decisions are made
- Our income and expenditure
- The development of our regional transport strategy
- Our work in developing and implementing projects and initiatives

4. WHAT INFORMATION CAN BE ACCESSED UNDER THE SCHEME

This publication scheme provides details of the classes of information published by the Partnership, the ways in which this information can be obtained and any charges that may be incurred for information. The information held by the Shetland Transport Partnership has been divided into three classes. This information will be available in the format(s) specified from 3 April 2006. The three classes of information are:

- A Policy and Strategy
- B Agendas and Minutes of meetings of the Partnership Board
- C Constitutional and Corporate Information

The Shetland Transport Partnership's aim is to be as open, transparent and accommodating as possible in making information available to the public. However, there may be some information withheld as indicated in section 5. In cases where we withhold information we will indicate why the information is being withheld.

These general categories have been divided into sub-classes of information and an indication is provided as to the format that the information can be obtained in and is shown in appendix 1.

5. EXEMPTIONS

The Shetland Transport Partnership's aim is to be as open as possible. However the Act permits a limited number of exemptions from the requirement to disclose information.

There may be some circumstances where it is necessary to withhold information pertinent to any of the classes of information set out in this scheme, where it is considered that disclosure of the information may, for example, prejudice legal proceedings or be prohibited under an Act of Parliament. Information that may prejudice the commercial interests or confidentiality of any person or organisation including the Shetland Transport Partnership and information which is personal information under the Data Protection Act 1998 may also be exempt under the Act.

Where the Partnership determines that an exemption applies, it will issue a Refusal Notice detailing the exemption applicable and the public interest in applying that exemption. Where a Refusal Notice is issued, the person submitting the request has the right to request a Review of the decision, from the Shetland Transport Partnership who will take advice on the request from Shetland Islands Council (who provide Legal and Administrative services to the Partnership) and thereafter, has a right of appeal to the Scottish Information Commissioner.

The Freedom of Information (Scotland) Act 2002 sets out certain exemptions to providing information. Exempt categories most relevant to information held by the Shetland Transport Partnership are:

- ❖ Information already reasonably accessible under the Council's Publication Scheme.
- ❖ Information intended for future publication (within defined limits).
- ❖ The applicant's personal information (This is treated as a subject access request under the Data Protection Act 1998).
- ❖ Third party personal information will not be provided if disclosure contravenes one of the data protection principles listed in Schedule 1 of the Data Protection Act 1998 or other conditions set out in section 38 of the Freedom of Information (Scotland) Act 2002.

- ❖ Information where a claim of confidentiality can be made.
- ❖ Information where disclosure would lead to substantial commercial prejudice.

All exemptions are listed in Part 2 of the Act

6. ACCESSING INFORMATION UNDER THE PUBLICATION SCHEME

The publication scheme lists information that is or will be routinely published by the Shetland Transport Partnership. The information can usually be accessed in a number of ways:

On the Internet

The Partnership aims to provide as much information as possible through its website at <http://www.shetland.gov.uk/transport/bus/SIC-ShetlandRegionalTransportPartnership.asp>

Publicly available computer terminals are provided by Shetland Islands Council, at the Shetland Library. Providing information electronically helps cut down on the administrative and environmental costs associated with printed documents.

By Email

You may request information to be sent to you by email and where information is held electronically but is not on the website, we will send this to you by email where practicable. Alternatively, we may post out information on a CD-Rom.

Email administrative.services@sic.shetland.gov.uk

By Post

Most information is available in paper copy form. Please address your request to:

Secretary
Shetland Transport Partnership
4 Market Street
LERWICK
Shetland
ZE1 0JN

Fax: 01595 744585

When requesting information, please include: your name and address, contact telephone number and details of the information you would like to receive.

Please note that when requesting paper copies of information, charges may apply, depending on the information requested. Further details are provided in section 11.

By Telephone

You may telephone us discuss a request for information. Please contact 01595 744554.

Alternative Formats

Alternative formats, such as Braille or another language, can be provided upon request.

7. ACCESSING INFORMATION NOT INCLUDED WITHIN THE PUBLICATION SCHEME

This publication scheme lists information that is or will be routinely made available by the Partnership. However, section 1 of the Act provides the public with a general right to access information held by public authorities. From 3 April 2006, the Shetland Transport Partnership is designated as a Scottish Public Authority. Therefore members of the public have the right to access information held by the Partnership or held on behalf of the Partnership subject to certain exceptions and conditions.

Obtaining information under section 1 of the Act (Freedom of Information Request) differs slightly from obtaining information under the publication scheme.

Before submitting a Freedom of Information Request you should check our website to see if the information you require is published there, as we place a large amount of information on our website

(<http://www.shetland.gov.uk/transport/bus/SIC-ShetlandRegionalTransportPartnership.asp>)

If you wish to submit a Freedom of Information Request, the request must be in writing or in some other permanent recordable form such as an e-mail or audio tape. However you do not need to cite the Act as any requests for information will be treated in line with the requirements of the Act and will receive a response within 20 working days.

The request should:

- describe the information requested;
- state an address for correspondence;
- preferably provide a contact number (in case we need to contact you to clarify the information requested); and
- state the format in which you would wish to receive the information.

In order to assist your request, we may contact you to clarify the exact nature of the information requested or to discuss the format of the information with you. We would be happy to assist you if you wish to contact us to discuss any requests.

8. ACCESSING PERSONAL DATA

Personal data is specifically excluded under the Act. However the Data Protection Act 1998 entitles you to be told what personal information the Shetland Transport Partnership holds about you. You can also obtain a copy of the data held. These rights are subject to exemptions and are subject to the payment of a fee of £10.

It is helpful if any requests under the Data Protection Act 1998 state specifically what information is being sought and that it is being sought under the Data Protection Act in order that the request can be processed efficiently. Please note that the requests for personal data must be in writing - e-mail and telephone requests are not acceptable.

The Shetland Transport Partnership will require proof of identity before responding to your request. Requests should be made in writing to:

Secretary
Shetland Transport Partnership
4 Market Street
LERWICK
Shetland
ZE1 0JN

Tel: 01595 744551

Fax: 01595 744585

Email administrative.services@sic.shetland.gov.uk

Data Protection issues are dealt with by the UK Information Commissioner. Contact details are:

Information Commissioner's Office – Scotland
28 Thistle Street
Edinburgh
EH2 1EN
Tel: 0131 225 6341
Email: scotland@ico.gsi.gov.uk
Web: www.informationcommissioner.gov.uk

9. ARCHIVING POLICY AND INFORMATION AUDIT

Archived Information

To be a useful tool in promoting openness, the information in the publication scheme will generally be current. As a new organisation, the Shetland Transport Partnership has not yet carried out a full information audit or developed an archiving policy. This work will be carried out over the next 12 months and this section of the publication scheme will be updated to reflect this.

10. COPYRIGHT

Information obtained through this publication scheme generally can be copied or reproduced without formal permission from the Shetland Transport Partnership provided it is copied and reproduced accurately and is not used in a misleading, defamatory or prejudicial context and provided you identify the source of the material and the Shetland Transport Partnership's copyright status is acknowledged. Commercial exploitation or reproduction of this material is prohibited.

Some of the material available by virtue of the Publication Scheme may be subject to third party copyright. You should seek the consent of the copyright owner if you wish to reproduce any of this information.

11. CHARGES

Multiple Copies

One copy of most items of information listed in the publication scheme will be available free of charge to all applicants. Requests for multiple paper copies of documents may attract a charge for the cost of printing/photocopying and postage. The charge for photocopying or printing documents (in black and white) is 10p per A4 sheet.

Information Incurring a Charge

Where charges are likely to be made for information, this is stated in the publication scheme under the individual classes of information. Where the publication scheme indicates that a charge may be applied, this will reflect the cost of printing and/or posting large documents. The charge for photocopying or printing documents (in black and white) is 10p per A4 sheet.

If a request for information is likely to incur a charge, we will tell you what this will be and ask you to confirm your request.

12. CONTACT DETAILS

If you wish to contact us to request information, please contact:

Shetland Transport Partnership
Secretary
4 Market Street
Lerwick
Shetland
ZE1 0JN

Tel: 01595 744551

Fax: 01595 744585

Email administrative.services@sic.shetland.gov.uk

13. RESPONSIBILITY FOR THE PUBLICATION SCHEME AND FEEDBACK

The day to day operation of the Publication Scheme is the responsibility of the Secretary to the Shetland Transport Partnership, which is undertaken by the Head of Legal and Administration, Shetland Islands Council. Contact details are provided in section 12 above.

Legal and Administrative services are provided to the Shetland Transport Partnership by Shetland Islands Council. SIC Legal Services will provide advice to the Partnership on whether any information may be withheld and any other matters relating to the Freedom of Information (Scotland) Act 2002, the Data Protection Act 1998 and the Environmental Information (Scotland) Regulations 2004. Shetland Islands Council will also advise with respect to reviews in the event of any applicant wishing to request a review of a decision to withhold information.

If we are unable to resolve any complaint about the publication scheme, you can complain to the Scottish Information Commissioner, whose details are below. If a decision to withhold information is upheld by Shetland Transport Partnership on Review, you may appeal to the Scottish Information Commissioner. Further information about the role and responsibilities of the Office of the Scottish Information Commissioner is available using the contact details below.

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

Tel: 01334 464610

Fax: 01334 464611

Email: enquiries@itspublicknowledge.info

Website: www.itspublicknowledge.info

This publication scheme was prepared in March 2006.

APPENDIX 1

CLASSES OF INFORMATION

1	Policy and Strategy
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a)	Regional Transport Strategy				
	Examples and available format:	Paper	Web	Email	Cost*
	Background statistics paper	✓		✓	Free
	Consultation documents [once published]	✓	✓	✓	Free

b)	Consultation responses				
	Examples and available format:	Paper	Web	Email	Cost*
	Responses to Scottish Executive consultations	✓	✓	✓	Free
	Responses to consultations by other bodies	✓	✓	✓	Free

c)	Completed research reports commissioned by the Partnership				
	Examples and available format:	Paper	Web	Email	Cost*
	Executive summaries of final research or project appraisal studies	✓		✓	Free
	Full reports and appendices of final research or project appraisal studies. (Some information may not be available electronically)	✓		✓	Free

* Requests for multiple paper copies of documents may attract a charge for the cost of printing/photocopying and postage. The charge for photocopying or printing documents (in black and white) is 10p per A4 sheet.

Alternative formats, such as Braille or another language, can be provided upon request.

2	Agendas and Minutes of the Partnership Board
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	Examples and available format:	Paper	Web	Email	Cost*
a)	Agendas for meetings of the Shetland Transport Partnership Board	✓	✓	✓	Free
b)	Minutes of meetings of the Shetland Transport Partnership Board	✓	✓	✓	Free

* Requests for multiple paper copies of documents may attract a charge for the cost of printing/photocopying and postage. The charge for photocopying or printing documents (in black and white) is 10p per A4 sheet.

Alternative formats, such as Braille or another language, can be provided upon request.

3	Constitutional and Corporate Information
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(a)	Constitutional information				
	Examples and available format:	Paper	Web	Email	Cost*
	The Constitution of the Shetland Transport Partnership Board	✓		✓	Free
	The Standing Orders for the Shetland Transport Partnership Board	✓		✓	Free
	Financial regulations for the Shetland Transport Partnership Board	✓		✓	Free
	A list of members and advisers to the Partnership	✓	✓	✓	Free
	Diary of Board meetings	✓	✓	✓	Free
(b)	Promotional information about the Partnership				
	Examples and available format:	Paper	Web	Email	Cost*
	News releases	✓	✓	✓	Free
	Newsletters	✓	✓	✓	Free
	Corporate/Business Plan [once published]	✓	✓	✓	Free
	Shetland Transport Partnership Annual Reports	✓	✓	✓	Free
	Shetland Transport Partnership Delivery Plans	✓	✓	✓	Free
	Shetland Transport Partnership Travel Awareness Programme	✓	✓	✓	Free
(c)	Sustainable Travel Grants Scheme				
	Examples and available format:	Paper	Web	Email	Cost*
	Guidance	✓	✓	✓	Free
	Application form	✓	✓	✓	Free
	A list of grant awards	✓		✓	Free
(d)	Partnership Budget				
	Examples and available format:	Paper	Web	Email	Cost*
	Annual revenue budget	✓		✓	Free
	Capital programme	✓		✓	Free

* Requests for multiple paper copies of documents may attract a charge for the cost of printing/photocopying and postage. The charge for photocopying or printing documents (in black and white) is 10p per A4 sheet.

Alternative formats, such as Braille or another language, can be provided upon request.