

Guide to Information published by Midlothian Council

Introduction to the Publication Scheme

This Guide to Information sets out how Midlothian Council makes information available through the Model Publication Scheme. It provides you with details of the publication scheme, how you can access this information, our policies on charging, copyright and records management, and how to request information not covered by the scheme.

The guide is split into the following sections:

1. Availability and formats
2. Exempt Information
3. Copyright and Re-Use
4. Charges
5. Advice and Assistance
6. Duration

The Freedom of Information (Scotland) Act 2002 (FOISA) provides individuals with a right to request any recorded information held by Scotland's public authorities.

Anyone can use this right, and information can only be withheld where FOISA expressly permits it.

Section 23 of FOISA also requires that all Scottish public authorities maintain a publication scheme. A publication scheme sets out the types of information that a public authority routinely makes available.

Midlothian Council has adopted the Scottish Information Commissioner's Model Publication Scheme developed and approved by the Scottish Information Commissioner. The Commissioner is responsible for enforcing FOISA and guidance on the scheme is available on the Scottish Information Commissioners website.

The Commissioner's Model Publication Scheme is designed to ensure that authorities meet their obligation to take account of the public interest in providing access to the information that they hold which relates to:

- The services they provide
- the costs of those services
- the standard of those services

- the facts that inform the important decisions they take and
- the reasoning that informs their decisions

Midlothian has adopted the Model Publication Scheme without amendment. We have therefore made a commitment to publish all information which we hold which falls within the classes of information in the scheme. The information we publish through the model scheme is, wherever possible, on our website.

Midlothian Council is committed to publishing information proactively whenever possible. We do this by reviewing the types of information that are requested from us routinely and then considering whether they could be published by us more proactively. If you would like to access information not published under the scheme, you can still request it from us under FOISA or, in the case of environmental information, the Environmental Information Regulations (EIRs). For further information on accessing information we do not publish, see “How to access information which we do not publish”.

Availability and formats

The information we publish through the model scheme is, wherever possible, available on our website. We offer alternative arrangements for people who do not want to, or cannot, access the information online or by inspection at our premises. For example, we can usually arrange to send information to you in paper copy (although there may be a charge for this).

Online:

If you are having trouble finding any information set out in this guide on our website, then please call 0131 561 5444 or email contactcentre@midlothian.gov.uk

By email:

If the information you seek is available online, but you are unable to download it, we can usually send it to you by email. When requesting information from us, please provide a telephone number so that we can telephone you to clarify details, if necessary.

Please send your request for information to contactcentre@midlothian.gov.uk

By phone: 0131 561 5444

By post: (There may be a charge for this service)

Legal and Governance Manager
Midlothian Council
Fairfield House, 8 Lothian Road, Dalkeith
Midlothian, EH22 3AA

When writing to us to request information, please include:

- your name and address
- full details of the information or documents you would like to receive any payment (if you know the applicable fee)
- a telephone number so we can contact you to clarify any details, if necessary.
- Information that we may withhold

All information published in this guide can be accessed either through our website, or by asking us for it.

Exempt Information

Our aim in maintaining this publication scheme is to be as open as possible. You should note, however, that there may be limited circumstances where information will be withheld from publication. Information will only be withheld, however, where FOISA (or, in the case of environmental information, the Environmental Information (Scotland) Regulations 2004) expressly permits it. Information may be withheld, for example, where its disclosure would breach the law of confidentiality, harm an organisation's commercial interests, or endanger the protection of the environment. Information may also be withheld if it is another person's personal information and its release would breach the data protection legislation.

Where we withhold information, we will remove it or redact it before publication and explain why. Even where information is withheld it may, in many cases, be possible to provide copies with the withheld information edited out.

If you wish to complain about any information which has been withheld from you, please contact us.

Copyright and Re-Use

Midlothian Council holds the copyright for most of the information available through both its website and the Model Publication Scheme. All this information can be copied or reproduced (but not re-used - see below) without our 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.

The publication scheme may however contain information where the copyright holder is not Midlothian Council. In most cases the copyright holder will be obvious from the documents. In cases where the copyright is unclear, however, it is the responsibility of the person accessing the information to locate and seek the permission of the copyright holder before reproducing the material or in any other way breaching the rights of the copyright holder.

Charges

Unless otherwise stated below all information contained within our publication scheme is available from us free of charge where it can be downloaded by you from our website.

We reserve the right to impose charges for providing information in paper copy or by email. Charges will reflect the costs to Midlothian Council of retrieval, reproduction and postage.

If a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

Reproduction costs:

- Black and white copy: 10p per A4 side of paper or 20p per A3 side of paper
- Colour copy: 30p per A4 side of paper or 60p per A3 side of paper
- Large size plans/maps: £2.40 per A1 plan or £2.50 per A0 plan
- NB Where Midlothian Council is asked to reproduce information under the publication scheme then the first 20 sheets of each request will be provided free of charge

Postage costs

We will pass on postage charges to the requester at the cost to Midlothian Council of sending the information by first class post or overseas by airmail.

We are required by the Equality Act 2010 to take steps to meet the needs of people who share a relevant protected characteristic. In terms of access to information, this means making reasonable adjustments to our practices to ensure that information is physically accessible. This may, for example, involve producing information in a larger script or different format where it is practicable to do so.

The costs of this will be met by Midlothian Council.

Advice and Assistance

How to access information which we do not publish

If the information you are seeking is not available through this website, then you may wish to request it from us. Requests can be made for the following types of information:

- Information under the Freedom of Information (Scotland) Act 2002
- Environmental information under the Environmental Information (Scotland) Regulations 2004
- Personal information under the Data Protection Act 2018

For details on how to request these types of information visit our website.

Charges for information available only through request

Freedom of Information

Midlothian Council reserves the right to charge in accordance with the FOI Fees Regulations for providing information under FOISA. We will however normally refuse to deal with a request where we estimate that it will cost more than £600 to locate, retrieve and provide the information. In particular:

- There will be no charge for information requests which cost us £100 or less to process
- Where information costs between £100 and £600 to provide, you may be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50, this being calculated based on a waiver for the first £100 and 10% of the remaining £500
- We are not obliged to respond to requests which will cost us over £600 to process
- In calculating any fee, staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour
- We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may however be made for locating, retrieving and providing information to you
- If we decide to impose a charge, we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided to you on payment of the charge
- If you decide not to proceed with the request there will be no charge to you
- In calculating reproduction costs, the charges in our charging policy will apply
- We are pleased to provide advice and assistance to help requesters frame their requests and thereby reduce the possibility of incurring charges for information. Clear framing of requests can also help avoid unnecessary cost to the public purse.

Environmental Information

Midlothian Council reserves the right to charge for environmental information. We will do so on the same basis as we charge for non-environmental information under the Freedom of Information (Scotland) Act 2002. In calculating reproduction costs, our charging policy will apply.

You will be told in advance if a fee will apply. However, where it will cost more than £600 to provide the information, we will ask you to pay the full cost of providing this with no waiver for any portion of the cost.

Under the EIRS, there is no limit to the amount of staff time that can be spent responding to requests. However, the EIRS permit the Council to refuse to respond to requests which are formulated in too general a manner, when the Council has asked for further information and helped and advice. A request can also be refused when it is manifestly unreasonable. Clear framing of requests will help to avoid unnecessary cost to the public purse, and we will therefore be pleased to provide advice and assistance to help requesters frame their requests and thereby reduce the possibility of incurring charges for information.

We may extend the 20-working day period for making environmental information available by up to a further 20 working days if the volume and complexity of the information requested makes it impractical for us to comply with the request or to decide to refuse to do so (regulation 7(1)).

Personal Information

There is no charge for requests for personal data in accordance with the Data Protection Act 2018.

If you wish to make a request for personal data (e.g. pupil's educational record by the parent or guardian, a social work file by the individual or a housing tenant file by the tenant) please email enquiries@midlothian.gov.uk

Contact us

Our aim is to make our guide to information as user-friendly as possible, and we hope that you can access all the information we publish with ease. We are obliged to review our guide to information from time to time. As a result, we welcome feedback on how we can develop it further. If you would like to comment on any aspect of this guide to information, then please contact us. You may, for example wish to tell us about:

- other information that you would like to see included
- whether you found it easy to use
- whether you found the guide useful
- whether our staff were helpful
- other ways in which our guide can be improved

Please send any comments, suggestions or complaints to:

Legal and Governance Manager

Midlothian Council, Fairfield House, 8 Lothian Road, Midlothian, EH22 3AA

Email: alan.turpie@midlothian.gov.uk

Any complaint will be dealt with in accordance with the Midlothian Council Complaints and Feedback Procedure.

You have legal rights to access information under the publication scheme and a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our response. These rights apply only to information requests made in writing** or another recordable format. If you are unhappy with our response to your request you can ask us to review it and if you are still unhappy, you can make an appeal to the Scottish Information Commissioner.

The Commissioner can be contacted as follows:

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

Tel: 01334 464610

Email: enquiries@foi.scot

Duration

We publish information that we hold within the following classes. Once information is published under a class we will continue to make it available for the current and previous two financial years.

Where information has been updated or superseded, only the current version will be available. If you would like to see previous versions, you may make a request to us for that information.

Classes of Information

Class 1: About Midlothian Council

Class description: Information about the Midlothian Council, who we are, where to find us, how to contact us, how we are managed and our external relations.

General information about the authority:

Authority name, address and contact details for headquarters and principal offices

- [Contact us](#)
- [Our offices](#)

Organisational structure, roles and responsibilities of senior officers

- [Management structure](#)

Business opening hours

- [Opening hours and holidays](#)

Contact details for customer care and complaints functions

- [Complaints and customer care](#)

Customer codes or charters

- [Customer service charter](#)

Charging schedule for published information (see above)

Contact details and advice about how to request information from the authority.

- [How to request information](#)

Charging schedule for environmental information provided in response to requests under the Environmental Information (Scotland) Regulations 2004 (if the authority charges for environmental information).

- [Environmental information](#)

Constitution

Legal framework for the authority, including constitution, articles of association or charter.

- [Council and democracy](#)

How the authority is run

Description of governance structure, board, committees and other decision-making structures.

- [Your council](#)

Names of, responsibilities of and (work-related) biographical details of the people who make strategic and operational decisions about the performance of function and/or delivery of services by the authority e.g. Board members, chief officers.

- [Council structure](#)

Governance policies, including standing orders, code of conduct and register of interests.

- [Council and democracy](#)

Corporate planning

Community Planning Partnership

- [Single Midlothian Plan](#)

Corporate strategies and plans e.g., for economic development, etc.

- [Service plans](#)

Council performance

- [Performance and spending](#)

External relations

Accountability relationships, including reports to regulators

- [Performance and spending](#)

Internal and external audit arrangements

- [Performance and spending](#)

Subsidiary companies (wholly and part owned) and other significant financial interests.

- [Audited annual statements of accounts](#)

Strategic agreements with other bodies

- [Midlothian Council website](#)

Class 2: How we deliver our functions and services

Class description: Information about our work, our strategy and policies for delivering functions and services and information for our service users.

Functions

Description of functions, including statutory basis for them, where applicable

- [Midlothian Council website](#)

Strategies, policies and internal staff procedures for performing statutory functions

- [Midlothian Council website](#)

How to apply for a licence, warrant, grant, etc. where it is a function of the authority to approve.

- [Apply for a licence or permit](#)

How to report a concern to the authority

- [Report it](#)

Reports of the authority's exercise of its statutory functions

- [Midlothian Council website](#)

Statutory registers (NB not if inspection-only)

Fees and charges for performance of the authority's function e.g., fee for making a planning application, etc.

- [Fees and charges register](#)

Services

List of services, including statutory basis for them, where applicable

- [List of services](#)

Service policies and internal staff procedures, including allocation, quality and standards.

- [Service plans](#)

Service schedules and delivery plans

- [Service plans](#)

Service fees and charges, including bursaries

- [Fees and charges register](#)

Class 3: How we take decisions and what we have decided

Class description: Information about the decisions we take, how we make decisions and how we involve others.

Decision making

Decisions taken by the organisation: agendas, reports and papers provided for consideration and minutes of Board (or equivalent) meetings

- [Council meetings with minutes and reports](#)

Public consultation and engagement strategies

- [Consultations](#)

Reports of regulatory inspections, audits and investigations carried out by the authority

- [Midlothian Council website](#)

Environmental Impact Assessment Reports undertaken in compliance with the Town and Country (Environmental Impact Assessment) (Scotland) Regulations 2017

- [Midlothian Council website](#)

Class 4: What we spend and how we spend it

Class description: Information about our strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has been spent).

What we spend and how we spend it

Financial statements, including annual accounts, any regular statements e.g. quarterly budget statements

- [Performance and spending](#)

Financial statements required by statute e.g., sections 31 and 33 of the Public Service Reform (Scotland) Act 2010, if applicable to the authority

- [Midlothian Council website](#)

Financial policies and procedures for budget allocation

- [Midlothian Council website](#)

Budget allocation to key policy / function / service areas

- [Midlothian Council website](#)

Purchasing plans and capital funding plans

- [Midlothian Council website](#)

Financial administration manual / internal financial regulations

- [Midlothian Council website](#)

Expenses policies and procedures

- [Midlothian Council website](#)

Senior staff/ board member expenses at category level e.g., travel, subsistence and accommodation

- [Midlothian Council website](#)

Board member remuneration other than expenses

- [Midlothian Council website](#)

Pay and grading structure (levels of pay rather than individual salaries)

- [Midlothian Council website](#)

Investments, summary information about endowments, investments and authority pension fund

- [Midlothian Council website](#)

Funding awards available from the authority, how to apply for them and funding awards made by the authority.

- [Midlothian Council website](#)

Class 5: How we manage our human, physical and information resources

Class description: Information about how we manage the human, physical and information resources of the authority

Human resources

Strategy and management of human resources

- [Workforce strategy](#)

Staffing structure

Human resources policies, procedures and guidelines, including e.g., recruitment, performance management, salary and grading, promotion, pensions, discipline, grievance, staff development, staff records

- [Workforce strategy](#)

Employee relations structures and agreements reached with recognised trade unions and professional organisations

- [Workforce strategy](#)

Physical resources

Management of the authority's land and property assets, including environmental / sustainability reports.

- [Midlothian Council website](#)

Description of the authority's land and property holdings

- [Midlothian Council website](#)

Estate development plans

- [Midlothian Council website](#)

Maintenance arrangements

- [Midlothian Council website](#)

Information resources

Records management policy, including records retention schedule.

- [Records management plan](#)

Information governance / asset management policies and procedures

- [Asking us about information](#)

Knowledge management policies and procedures

- [How we use your information](#)

List of statistical information published by the authority

- [Midlothian Council website](#)

Freedom of information policies and procedures

- [Freedom of information](#)

Class 6: How we procure goods and services from external providers

Class description: Information about how we procure goods and services, and our contracts with external providers

Procurement

Procurement policies and procedures

- [Doing business with Midlothian Council](#)

Invitations to tender

- [The tender process](#)

List of contracts which have gone through formal tendering, including name of supplier, period of contract and value

- [Current contracts and future opportunities](#)

Information published in accordance with the Procurement Reform (Scotland) Regulations Act 2014, the Procurement (Scotland) Regulations 2016 and the Public Contracts (Scotland) Regulations 2015

- [Doing business with Midlothian Council](#)

Links to procurement information the Council publishes on the Public Contracts Scotland website.

- [Public Contracts Scotland](#)

Class 7: How we are performing

Class description: Information about how we perform as an organisation, and how well we deliver our functions and services

Performance

External reports e.g., annual report, performance statements required by statute (e.g., section 32 of the Public Service Reform (Scotland) Act 2010 if applicable

- [Public performance reports](#)

Performance indicators and performance against them

- [Statutory performance](#)

Mainstreaming Equality Reports produced under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, as amended

- [Equality Impact Assessments](#)

Employee and board equality monitoring reports produced under the equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, as amended

- [Equality Impact Assessments](#)

Class 8: Our commercial publications

Class description: Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g., bookshop, museum or research journal.

Information on publications packaged and made available for sale may be found on our web page

- [Midlothian Council website](#)

Class 9: Our open data

It is the Council's aim to make increasing amounts of our data freely and widely available via these web pages. Midlothian Council has adopted the UK government's approach to Open Data Standards in that data should be published to a minimum of 3 stars in the Government's 5-star rating scheme.

This means our data is easily accessible and available to re-use as required under the Open Government Licence. We are working hard to ensure all our published datasets meet this standard.

- [Our accessibility statement](#)

Document Control Information

Revision	Date	Revision Description
Version 1.0	30/05/2013	
Version 2.0	30/10/2017	Updated to reflect new format
Version 3.0	28/09/2022	Updated to reflect new format
Version 4.0	28/08/2026	Periodic review