

Guide to information published by HMIPS

Produced as required by the Freedom of Information (Scotland) Act 2002

Terms used	Explanation
FOISA	The Freedom of Information (Scotland) Act 2002 EIRs The Environmental Information (Scotland) Regulations 2004
Model Publication Scheme	A standard framework for authorities to publish information under FOISA, approved by the Scottish Information Commissioner
MPS	The Model Publication Scheme
Classes of information	Nine broad categories describing the types of information authorities must publish (if they hold it)

Last updated: 23 July 2019 (Version 1.3)

SECTION 1: Introduction to the Publication Scheme

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.

HMIPS has adopted the Model Publication Scheme 2016 developed and approved by the Scottish Information Commissioner. The Commissioner is responsible for enforcing FOISA. The model scheme can be viewed online at:

www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/TheModelPublicationScheme.aspx

The Freedom of Information (Scotland) Act 2002 (the Act) requires Scottish public authorities to adopt and maintain a publication scheme. Authorities are under a legal obligation to:

- Publish the classes of information that they make routinely available
- Tell the public how to access the information they publish and whether information is available free of charge or on payment.

The Act also allows for the development of model publication schemes that can be adopted by more than one authority. The Commissioner's Model Publication Scheme was approved on 29 March 2016.

Definition of "published" information

For the purposes of this Model Publication Scheme, to be "published", information must be:

- Already produced and prepared and
- Available to anyone to access easily without having to make a request for it

Research and information services that involve the commissioning of new information are not "publications".

Adopting this model scheme

It is expected that the model scheme will be adopted by any authority, which is subject to the Freedom of Information (Scotland) Act 2002. For more information about which bodies this applies to, please visit:

<http://www.itspublicknowledge.info/YourRights/Whocanlask.aspx>

Adoption commits an authority to:

- Adopting the model scheme, and any updates to it, without amendment
- Publishing the information, including environmental information that it holds and which falls within the classes of information below
- Ensuring that the way it publishes its information meets the Model Publication Scheme Principles
- Producing a *Guide to Information* which sets out the information the authority publishes through the model scheme, how to access it, whether there is a charge for it and how to get help to access information
- Notifying the Scottish Information Commissioner that it has adopted the model scheme.

Class	Description
1. About the authority	Information about the authority, who we are, where to find us, how to contact us, how we are managed and our external relations
2. How we deliver our functions and services	Information about our work, our strategies and policies for delivering functions and services and information for our service users
3. How we take decisions and what we have decided	Information about the decisions we take, how we make decisions and how we involve others.
4. What we spend and how we spend it	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 actually been spent
5. How we manage our human, physical and information resources	Information about how we manage the human, physical and information resources of the authority.
6. How we procure goods and services from external providers	Information about how we procure goods and services and our contracts with external providers.
7. How we are performing	Information about how we perform as an organisation and how well we deliver our function and services.
8. Our commercial publications	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
9. Our open data	Open data made available by the authority as described by the Scottish Government's Open Data Strategy and Resource Pack, available under an open licence.

Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (the EIRs) provide a separate right of access to the environmental information that we hold. This *Guide to Information* also contains details of the environmental information that we routinely make available.

If you would like to access information that we do not publish, you can still request it from us under FOISA or, in the case of environmental information, the EIRs. For further information on accessing information we do not publish, refer to Section 11.

SECTION 2: About HMIPS

The purpose of HM Inspectorate of Prisons for Scotland is to inspect the conditions in prisons and the treatment of prisoners, and to report publicly our findings. The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 came into force on 31 August 2015 and from that date HM Chief Inspector of Prisons for Scotland assumes overall responsibility for the monitoring of prisons, which is carried out on a day to day basis by independent prison monitors.

We inspect and monitor against a set of [published standards](#) launched in March 2015.

National Preventive Mechanism

HMIPS is one of twenty organisations that comprise the [UK National Preventive Mechanism](#). All our inspections contribute to the UK's response to its international obligations under the [Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment \(OPCAT\)](#). HMIPS is a member of the NPM Steering Group. During 2014/15, a Scottish NPM subgroup was established, comprising the six member organisations in Scotland.

Further information about HMIPS is available on our website at: <https://www.prisonssinspectoratescotland.gov.uk/>

SECTION 3: About this guide to information

In deciding which information to publish we have also given effect to the Government's own "6 principles of FOI", which generally speaking, underpin our approach to FOI matters. These principles, in particular, make clear the Scottish Government's commitment to open government and publishing information proactively whenever possible. You can see the principles at <http://www.scotland.gov.uk/About/FOI/6principles>. We have also considered the types of information that are requested from us routinely and whether they could be published by us more proactively.

SECTION 4: Accessing Information in this guide

Information available through this guide is available through the routes described below. Section 12 provides more details about the information available through this guide, along with additional guidance on how the information falling within each "class" may be accessed. We offer alternative arrangements for people who do not wish to, or cannot, access the information online.

Online:

Most information listed in our guide to information is available to download from our website. In many cases, a link within Section 12 will direct you to the relevant page or document. Where no such link is present, you can use our website's "Search" facility. If you are still having trouble finding any information set out in this guide, then please call our office on 0131 244 8484, for further assistance. You can also email us at prisoninspection@gov.scot

By email:

If the information you seek is listed in our *Guide to Information* but not published on our website, 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: prisoninspection@gov.scot

By phone:

Information can also be requested from us over the telephone. Please contact HMIPS on 0131 244 8484 to request information available through this guide.

By post:

Information in this guide is also available in paper copy form, although there may be a charge for it. Please address your request to:

Her Majesty's Inspectorate of Prisons for Scotland, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD

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 (see Section 6 for further information about fees)
- a telephone number so we can telephone you to clarify any details, if necessary.

Advice and assistance:

If you have any difficulty identifying the information you want to access, then please contact Kerry Love on 0131 244 8484 who will be happy to help.

SECTION 5: Information that we may withhold

All information published in this guide can be accessed either through our website, or by asking us for it (see Section 4).

Our aim in maintaining this publication scheme is to be as open as possible. You should note, however, that there might 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 that has been withheld from you, please refer to Section 10.

SECTION 6: Our Charging Policy

Unless otherwise stated in Section 12, all information contained within our scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by email.

We reserve the right to impose charges for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage to HMIPS, as set out below.

In the event that 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: Where charges are applied, photocopied information will be charged at a standard rate of 10p per A4 side of paper (black and white copy) and 30p per A4 side of paper (colour copy).

Postage costs: We will pass on postage charges to the requester at the cost to HMIPS of sending the information by first class post.

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 HMIPS.

SECTION 7: Our Copyright Policy

HMIPS is a Crown body and the information we produce is subject to Crown copyright, which is administered by the Queen's Printer for Scotland. The material listed in this publication scheme is Crown copyright unless stated otherwise.

You may use and re-use Crown copyright information published through this guide free of charge in any format or medium, under the terms and conditions of the Open Government License, provided it is reproduced accurately and not used in a misleading context. Where any of the Crown copyright items published through this guide are being republished or copied to others, the source of the material must be identified and the copyright status acknowledged.

Exceptions

The above permissions do not extend to:

Any material in this guide that is identified as being the copyright of a third party. Authorisation to reproduce such material must be obtained from the copyright holders concerned.

SECTION 8: Our records management and disposal policy

HMIPS participates in the Scottish Government's records management process. The Scottish Government has in place Record Retention and Disposal Schedules in respect of all documents that it creates and holds. These Schedules set out the lengths of time for which all types of records must be held. This means that whilst FOISA is retrospective, it is only possible to provide copies of HMIPS records that are still in existence. The current Scottish Government policy and procedures in relation to records management are set out in the Scottish Government's Record Management Manual is available on its website at:

<http://www.scotland.gov.uk/Publications/2005/08/15152416/24168>

Some Scottish Government records are selected to be permanently preserved at the National Archives of Scotland. The Schedules referred to above set out what types of records will normally be preserved. Once transferred to the National Archives of Scotland, these records are made publicly available and are listed on their on-line catalogue at:

<https://www.nrscotland.gov.uk/research/catalogues-and-indexes>

SECTION 9: Feedback

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 or suggestions to:

Her Majesty's Inspectorate of Prisons for Scotland, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD Tel: 0131 244 8484 Email: prisoninspection@gov.scot

SECTION 10: Complaints

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. If you do wish to complain about any aspect, then please contact us and we will try to resolve your complaint as quickly as possible. You can contact:

Her Majesty's Inspectorate of Prisons for Scotland, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD Tel: 0131 244 8484 Email: prisoninspection@gov.scot

Any complaint will be acknowledged within two working days of receipt and we will respond in full within twenty working days.

You have legal rights to access information under this 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 responses 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.

*verbal requests for environmental information carry similar rights.

The Commissioner's website has a guide to this three-step process, and the Commissioner's office operates an enquiry service on Monday to Friday from 9:00am to 5:00pm:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Telephone: 01334 464610
Email: enquiries@itspublicknowledge.info
Website: www.itspublicknowledge.info

SECTION 11: How to access information that we do not publish

The Scottish Government leaflet How to 'open government' gives further explanation about your right to access information under the different legislation and sets out our commitment to how we will handle your requests for information, including the charges which may be applied to information that we do not publish.

If the information you are seeking is not available through this guide, then you may wish to request it from us.

Data Protection Act 2018

The Data Protection Act gives you the right to know what information is held about you, and sets out rules to make sure that this information is handled properly.

Freedom of Information (Scotland) Act 2002

The Freedom of Information (Scotland) Act gives you the right to request information and for it to be given to you unless there are good reasons not to.

Environmental Information (Scotland) Regulations 2004

The Environmental Information (Scotland) Regulations give you the right to request information about the environment and for it to be made available unless there are good reasons not to. Freedom of Information requests should be made in writing (which includes email). Requests for environmental information can be made in writing or orally.

Data protection 'subject access requests' should be made in writing and include documented evidence of who you are (e.g. copies of your driving license, passport or birth certificate).

Please ensure you provide your name, an address for correspondence (which could be email), and if possible a telephone number.

There are various ways of contacting us:

Her Majesty's Inspectorate of Prisons for Scotland, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD Tel: 0131 244 8484 Email: prisoninspection@gov.scot

Charges for information available only on request (not published through this guide):

If you submit a request to us for information that is not available through this guide, the charges will be based on the following calculations:

General information requests:

There will be no charge for information requests which cost us £100 or less to process.

Where it costs between £100 and £600 to provide you with information 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, which calculated on the basis of a waiver for the first £100 and 10% of the remaining £500. At present however HMIPS normally waives this fee.

We are not obliged to respond to requests that 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 be made for locating, retrieving and providing information to you.

In the event that 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.

Charges for environmental information:

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 be made for locating, retrieving and providing information to you.

In the event that we decide to impose a charge, we will issue you with notification of the charge and how it has been calculated. If you decide not to proceed with the request there will be no charge to you. Charges are calculated on the basis of the actual cost to the authority of providing the information.

- Photocopying is charged at 10p per A4 sheet for black and white copying, 30p per A4 sheet for colour copying.
- Postage is charged at actual rate for first class mail.
- Staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.

The first £100 worth of information will be provided to you without charge.

Where information costs between £100 and £600 to provide, you will 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, calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.

Where it would cost more than £600 to provide the information to you, however, we may ask you to pay the full cost of providing the information, with no waiver for any portion of the cost.

Requests for your own personal data:

Under the Data Protection Act 2018, you have the right to ask HMIPS to inform you whether it processes any personal information relating to you and if so to provide you with a copy of such data. This is called a 'subject access request'.

If you wish to access your personal information from HMIPS, you should make your request in writing to the following address:

Her Majesty's Inspectorate of Prisons for Scotland, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD Tel: 0131 244 8484 Email: prisoninspection@gov.scot

Your request should include a contact address and also documented evidence of who you are (e.g. copies of your driving license, passport or birth certificate). You should also provide as much detail as possible regarding the information you wish to access. We may come back to you for additional details in order to locate the material you require.

We will aim to meet your request within 40 days of receiving from you all of the above information.

SECTION 12: Classes of Information

This section provides details of the information we routinely publish under the classes of information in the Commissioner's Model Publication Scheme 2012. Where the information is published online, links are provided to relevant website pages or other sites as appropriate. Clearly our main way of publishing is the HMIPS website which is continually changing and developing. We will regularly review and, as appropriate, update the terms of this publication scheme so as to accurately reflect the full range of information published by HMIPS.

Class 1: About HMIPS	
Class Description: Information about HMIPS who we are, where to find us, how to contact us, how we are managed and our external relations	
The information we publish under this class	How to Access it
About Us	https://www.prisonsofscotland.gov.uk/about-us
Who we are, including a list of staff	https://www.prisonsofscotland.gov.uk/about-us/who-we-are
How to contact us	https://www.prisonsofscotland.gov.uk/contact-us
News	https://www.prisonsofscotland.gov.uk/news
Publication Scheme and Guide to Information	https://www.prisonsofscotland.gov.uk/freedom-information
Copies of all publications including our inspection and monitoring reports, and press releases	https://www.prisonsofscotland.gov.uk/publications
About the Prison Monitoring Advisory Group	https://www.prisonsofscotland.gov.uk/get-involved/monitoring-advisory-group

Class 2: How HMIPS delivers 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	
The information we publish under this class	How to Access it
Description of functions, including the statutory basis for them, where applicable	https://www.prisonsofscotland.gov.uk/ https://www.prisonsofscotland.gov.uk/about-us
HMIPS Annual Reports	https://www.prisonsofscotland.gov.uk/publications
Our Standards for inspection	https://www.prisonsofscotland.gov.uk/standards
HMIPS Strategic Plan	https://www.prisonsofscotland.gov.uk/publications/hm-chief-inspector-prisons-scotland-strategic-plan-2019-22

Class 3: How HMIPS takes decision and what it has decided	
Class Description: Information about the decisions we take, how we make decisions and how we involve others	
The information we publish under this class	How to Access it
HMIPS Strategic Plan	https://www.prisonsspectoratescotland.gov.uk/publications/hm-chief-inspector-prisons-scotland-strategic-plan-2019-22
Our Standards for inspection	https://www.prisonsspectoratescotland.gov.uk/standards
Copies of all inspection and monitoring reports, and press releases	https://www.prisonsspectoratescotland.gov.uk/publications

Class 4: What HMIPS spends and how it spends 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 actually been spent)	
The information we publish under this class	How to Access it
A financial statement is included in our Annual Reports	https://www.prisonsspectoratescotland.gov.uk/publications

Class 5: How HMIPS takes decisions and what it has decided	
Class Description: Information about how we manage the human, physical and information resources of HMIPS	
The information we publish under this class	How to Access it
Records Management Procedures HMIPS follows the Records Management Procedures set-out by the Scottish Government	http://www.scotland.gov.uk/Publications/2005/08/15152416/24168 https://www.nrscotland.gov.uk/research/catalogues-and-indexes
Human Resources policies Including discipline and remuneration. HMIPS does not employ any of its staff directly, nor do we	http://www.gov.scot/About/People/Directorates/Services-Groups/HR/HR/policies-guidance

have any organisational HR policies of our own. We have instead provided details of where the relevant FOI publication scheme for the Scottish Government	
How to apply to become a volunteer Independent Prison Monitors	https://www.prisoninspectoratescotland.gov.uk/get-involved/apply
Environmental information As the HMIPS office is based within a Scottish Government building, our environmental impact is incorporated within the overall Scottish Government reporting structure. We have provided a link to this information	https://blogs.gov.scot/environmentalmanagement/
Data Protection	We have a data protection policy and privacy statements that relate to the personal information we hold on our volunteers and prisoners. It is not relevant to the public but copies can be provided on request.

Class 6: Procurement Class description	
Class Description: Information about how we procure goods and services, and our contracts with external providers	
The information we publish under this class	How to Access it
HMIPS follows the Scottish Government procurement policy. Details of current and recent contracts awarded by HMIPS are published on the Public Contracts Scotland website	http://www.gov.scot/Topics/Government/Procurement https://www.publiccontractsscotland.gov.uk/search/Search_MainPageAdv.aspx

Class 7: How HMIPS is performing	
Class Description: Information about how HMIPS performs as an organization, and how well it delivers its functions and services	
The information we publish under this class	How to Access it
HMIPS Annual Report	https://www.prisonsofscotland.gov.uk/publications

Class 8: Our commercial publications	
Class Description: Information packaged and made available for sale on a commercial basis and sold at market value through retail outlet e.g. bookshop, museum or research journal	
The information we publish under this class	How to Access it
HMIPS has no information that falls within this category	n/a

Class 9: Our open data	
Class Description: Open data made available by the authority as described by the Scottish Government's Open Data Strategy and Resource Pack, available under an open license	
The information we publish under this class	How to Access it
HMIPS has no information that falls within this category	n/a