

Postcomm

The Postal Services Commission

Freedom of Information Act 2000

Publication Scheme

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1. Introduction

- 1.1 Postcomm, the Postal Services Commission, is the economic regulator for the postal services industry. It was established under the Postal Services Act 2000 (“the PSA”) with the primary duty of exercising its functions in the manner which it considers is best calculated to ensure the provision of a universal postal service. Postcomm’s other duties include acting so as to further the interests of users of postal services, wherever appropriate by promoting effective competition between postal operators, promoting efficiency and economy on the part of postal operators and having regard to the need to ensure that their activities can be financed.
- 1.2 Postcomm also has a role in advising government on developments in the post office network and on the future role of post offices.
- 1.3 Postcomm’s main functions are the licensing of postal operators, the enforcement of licence conditions, including through the imposition of financial penalties, the gathering and analysis of information relevant to its duties and the publication of information and advice.
- 1.4 Under the PSA, Postcomm has to prepare and publish a code of practice for the discharge of its functions and a statement of its policy in relation to the imposition of financial penalties on holders of licences it has granted. Postcomm also is required under the PSA to publish notice of its intention to exercise certain of its functions.
- 1.5 As a public authority, Postcomm is subject to the provisions of the Freedom of Information Act 2000 (“the FOI”) which will give a general right of access to all types of recorded information that it holds. The FOI requires Postcomm to establish a “publication scheme” and to publish information in accordance with that scheme.
- 1.6 This document is Postcomm’s publication scheme under the FOI; it also explains how that scheme relates to Postcomm’s Code of Practice and other publication obligations under the PSA. These obligations include the duty not to disclose information obtained by virtue of the PSA which relates to the affairs of an individual or to a particular business.
- 1.7 Postcomm is a relatively new and small organisation. Unlike other economic regulators it does not exercise functions under the Competition Act 1998 or the Fair Trading Act 1973. Nor does Postcomm take the lead in liaison with users of postal services, a role that is performed under the PSA by Postwatch, the Consumer Council for Postal Services, which is a separately constituted body. The range of information that Postcomm holds at this stage therefore is limited, compared to other regulators. Postcomm will review this publication scheme as its regulatory role develops.

2. The Freedom of Information Act

Duties under the FOI

- 2.1 Under the FOI, Postcomm's duty in relation to the establishment of publication schemes is –
- (a) to adopt and maintain a scheme which relates to the publication of information by Postcomm and is approved by the Information Commissioner,
 - (b) to publish information in accordance with its publication scheme, and
 - (c) from time to time to review its publication scheme.
- 2.2 The scheme must –
- (a) specify classes of information which Postcomm publishes or intends to publish,
 - (b) specify the manner in which information of each class is, or is intended to be, published, and
 - (c) specify whether the material is, or is intended to be, available to the public free of charge or on payment.
- 2.3 In adopting or reviewing its publication scheme, Postcomm must have regard to the public interest in allowing public access to information it holds and in the publication of reasons for its decisions.
- 2.4 The introduction of a publication scheme is the first of two duties placed on public authorities by the FOI. The other duty is to give a general right of access by the public to information held by Postcomm. Pursuant to that right, which will come into effect in January 2005, any person who makes a request to Postcomm for information must be informed whether Postcomm holds that information and, subject to exemptions, supplied with that information.
- 2.5 Individuals already have the right of access to information Postcomm holds about them, under the Data Protection Act 1998. The FOI will extend this right to allow public access to all types of non-exempt information Postcomm holds.

Relationship between Postcomm's FOI duties and other publication duties

- 2.6 The FOI complements and supplements Postcomm's duties in relation to the publication of information and regulatory good practice. Under its Code of Practice for the discharge of its functions, Postcomm is committed to acting in an open consultative manner. To this end, Postcomm has published a statement of its policy on consultation. Postcomm is also committed, through its Code of Practice, to acting in accordance with good regulatory practice. Increasingly this is seen as being open, consistent and providing reasons for decisions.

- 2.7 Postcomm's Code of Practice is framed as a set of over-arching principles under which it can establish more detailed procedures for specific areas of its activities. One of those principles is acting in accordance with its obligations as a public body, which includes the discharge of its obligations as a public authority under the FOI. The FOI requirement to have a publication scheme will give consistency to the way in which Postcomm discharges its publication obligations in relation to its regulatory functions under the PSA and will extend Postcomm's disclosure obligations into other areas such as its administrative policies.
- 2.8 The PSA also imposes on Postcomm a number of specific obligations to publish, in the sense of giving notice of, its intention to exercise certain of its functions, including –
- (a) the grant or modification of a licence,
 - (b) the making of a final order,
 - (c) the confirmation of a provisional order,
 - (d) the imposition or variation of a financial penalty.
- 2.9 The manner in which notice must be given of the exercise of these and other functions under the PSA may vary. Postcomm's FOI publication scheme offers an opportunity to establish a framework for the publication of PSA notices that is consistent and ensures that all stakeholders are aware of, and are treated as uniformly as possible in relation to, the discharge of Postcomm's functions.

3. Classes of Information

- 3.1 The classes of information specified by Postcomm for the purpose of this publication scheme are as follows.

Class 1 – Notices required to be given under the Postal Services Act 2000

- 3.2 The requirement on Postcomm to issue notices of its intention to exercise certain of its functions is described in paragraph 2.8 in the previous section. These notices form a conveniently identifiable class of documents, but one which is not subject to a publication obligation that is entirely consistent in terms of the persons to whom notice is required to be given, the manner in which it must be given, or the notice period. Specifying these notices as a class for the purpose of this scheme will ensure a more consistent approach to some of these issues.

Class 2 – Licences, licence modifications and documents issued pursuant to licences

- 3.3 The main function available to Postcomm in the discharge of its regulatory functions is the issue of licences under the PSA. The provision of the universal postal service is assured, prices are controlled, the consumer interest in quality is safeguarded, competition is promoted and information is obtained through the inclusion of appropriate conditions in licences issued under the PSA. Postcomm is required to make these documents available for inspection through its public register. It is appropriate that they are more widely available.
- 3.4 Licences can be modified. The conduct of regulated companies is regulated also through determinations made and consents and approvals given under licences. These documents also have to be made available on Postcomm's public register and are appropriate for wider publication.

Class 3 – Regulatory policy consultation papers and responses

- 3.5 Postcomm's obligation under the PSA to give notice of its intention to exercise certain of its functions is often accompanied by a duty to consider representations made in response to the notice before a decision is taken. The PSA therefore imposes a statutory duty to consult in relation to a number of Postcomm's functions. Postcomm has found it helpful to consult on major policy initiatives, such as the initial licence for Consignia and on the introduction of competition, at a much earlier stage than is strictly required under the PSA.
- 3.6 Publication is vital for consultation. Postcomm therefore sees its regulatory policy consultation papers as a clear class of documents appropriate for publication. At the final stage of a consultation Postcomm may include in a consultation paper a formal notice of its intention to exercise a statutory function (for example to grant or modify a licence). In such circumstances a composite document may be published, which falls under both Classes 1 and 3.
- 3.7 In the interests of openness in consultation, Postcomm asks respondents to its consultation papers to allow Postcomm to make their responses

publicly available. Where responses are not submitted on a confidential basis, Postcomm will publish them.

Class 4 – Regulatory policy decision documents

- 3.8 At the end of a consultation period, Postcomm will decide its policy on a regulatory issue, such as the introduction or extension of competition or a price control. At that stage it will want to make the community of postal users and operators aware of its decision and give them an opportunity to challenge it if any of them wishes to do so.
- 3.9 Regulatory policy decision documents therefore are another class of documents needing to be published. It may be appropriate to publish, with a decision document, the document through which a decision is given effect, such as a licence or a licence modification. It then may be convenient to publish a composite document, parts of which fall under Class 2 and parts of which fall under Class 4.

Class 5 – Research Information

- 3.10 In order to prepare and publish regulatory policy consultation and decision documents, and certain advisory documents, Postcomm generally will have conducted a great deal of research. This is likely to have been carried out with the assistance of external consultants.
- 3.11 Postcomm recognises the value of openness in its regulatory processes and therefore will publish research information to the extent that is consistent with its confidentiality obligations, with having first ensured that the information is of sufficient quality and with regard to the sensitivity of the information.
- 3.12 This class therefore comprises the final reports of research projects commissioned by Postcomm, subject to confidentiality restrictions and to approval by Postcomm for publication having regard to the quality and the sensitivity of the information contained in these documents.

Class 6 – Licence enforcement documents

- 3.13 Notices of intention to take enforcement action, such as notices of intention to make a final order, to confirm a provisional order or to impose a financial penalty, in respect of breaches of licence conditions will be published as Class 1 documents. Postcomm's decision in relation to the action of which it has given notice is made through the execution of a different document.
- 3.14 It is clearly in the public interest that such documents are published: users of postal services should be aware of any shortcomings in the provision of postal services by the operators to whom they entrust their mail. Postcomm may publish at the same time a Class 4 decision document setting out its reasons for the enforcement action that it has decided to take.

Class 7 – Memoranda of understanding

- 3.15 Postcomm works with other regulatory bodies, in particular Postwatch and the Office of Fair Trading ("the OFT"). Postcomm and Postwatch are required by the PSA to agree a memorandum of understanding setting

out how they will work together to secure co-operation and the exchange of information between them, and consistent treatment of matters which affect both of them.

- 3.16 Postcomm has no statutory obligation to establish a memorandum of understanding with the OFT. However, the two organisations have developed a memorandum so as to give clarity to the industry on how their overlapping powers will be exercised and to avoid duplication of effort. It is Postcomm's intention to publish these and any other memoranda that may be established.

Class 8 – Advice to stakeholders

- 3.17 Postcomm has specific duties in relation to the provision of advice. In particular Postcomm is required to provide advice and information to the Secretary of State about the number and location of public post offices and their accessibility to users of postal and other services.
- 3.18 Postcomm regards information in the form of advice that it gives to stakeholders as something that ought to be published and as comprising a separate category for this publication scheme. This class comprises all such advice, subject to approval by Postcomm for publication in the light of confidentiality and sensitivity considerations and, where advice is to be given to the Secretary of State, by the Secretary of State.

Class 9 – Public accountability information

- 3.19 Postcomm is a publicly accountable body and has a range of documents relating to its objectives and performance. These documents appear to Postcomm to comprise a discrete class for publication purposes.
- 3.20 This class will include all press notices issued by Postcomm and –
- (a) Postcomm's corporate plan and forward work programme,
 - (b) Postcomm's annual reports (which give details of Postcomm's Commissioners, its senior officers and its accounts), and
 - (c) Final reports of studies commissioned on Postcomm's effectiveness, organisation and efficiency.

Class 10 – Personnel information

- 3.21 This class does not include information about particular members of staff or other individuals.
- 3.22 The class includes only information approved by Postcomm for publication and presently comprises current –
- (a) job descriptions and person specifications used for recruitment purposes,
 - (b) policies and procedures concerning the recruitment and selection of staff,
 - (c) recruitment advertisements and information for applicants,
 - (d) pay scales for Postcomm staff by reference to job grades,
 - (e) office structure chart,

- (f) disability awareness and legal obligations note, and
- (g) equal opportunities policy.

Class 11 – Miscellaneous office policies and procedures

3.23 The class comprises information concerning Postcomm's other office policies and procedures approved for publication. It presently includes –

- (a) Postcomm's health and safety policy,
- (b) Postcomm's Email and Internet policy,

4. Manner of publication and charges

Internet

- 4.1 Postcomm's primary means of publication for all information is over the Internet using its web site www.postcomm.gov.uk. All documents in all classes will be made available by this means.
- 4.2 Postcomm will seek to draw attention to the publication of important new information on its web site, particularly in relation to policy developments by –
- (a) the issue of press notices, and
 - (b) the maintenance and use of an up-to-date mailing list of persons who have expressed an interest in receiving Postcomm publications.

Hard Copies

- 4.3 All information that is available on Postcomm's web site will be available in hard copy from Postcomm on request and will be sent to all persons on Postcomm's mailing list who have expressed an interest in receiving it.

Public Register

- 4.4 Under the PSA Postcomm is required to maintain a register that is open to public inspection of a limited range of documents relating to its licensing function. Postcomm discharges this duty with a register that is capable of holding details of a much wider range of documents than is strictly required by the PSA. All documents falling into information classes 1 to 6 and some falling into classes 7 and 8 are recorded on the public register and hard copies of them are retained with the register.
- 4.5 The register is open for inspection from 9.30 am to 4.30 pm every day that Postcomm's office is open. Because Postcomm's office space is limited anyone wanting to inspect the register is asked to make an appointment to do so.

Duration of availability of information

- 4.6 Documents in Information Classes 1 and 4 will remain on Postcomm's web site indefinitely. Postcomm is considering the development of an archive section on its website for documents in other publication classes that are no longer current. Pending the establishment of such a facility, documents in classes other than 1 and 4 may be removed from the website at any time after the first anniversary of their publication. Information entered on, and retained with Postcomm's public register, will be available indefinitely.

Charges for the provision of information

- 4.7 Information may be downloaded from Postcomm's web site free of charge. All information in Classes 1, 2, 3 (except consultation responses), 4, 5 and 6 and much of the information in Classes 7 and 8 will be available in hard copy in formal notices, consultation papers,

decision documents, orders and other documents. These hard copies will be available free of charge whilst stocks of them last.

- 4.8 Where stocks of hard copies of documents have been exhausted or are not available, Postcomm will endeavour to provide additional hard copies free of charge from the electronic files from which the documents were printed. In the longer term Postcomm will provide photocopies from documents held on its public register at 10 pence per A4 sheet.

5. Contacting Postcomm and other bodies

- 5.1 The person with overall responsibility for this publication scheme on behalf of Postcomm is Colin Sharples, Director of Resources. Day to day responsibility for the scheme is in the hands of Jenny Godfrey, Information Manager. They can be contacted at Colin.Sharples@psc.gov.uk and Jenny.Godfrey@psc.gov.uk, or at Postcomm's address, which is given below. You can also email FOI@psc.gov.uk. Information published under this scheme may be obtained through the following contacts.

Internet

- 5.2 Postcomm's web site is at www.psc.gov.uk. It explains our role and is simply organised with sections covering News and Events, Postal Licences and Operators, Competition, Post Offices (the urban and rural network), and Legal Framework. There is a link from the Legal Framework section to our Public Register which will be increasingly important as the source of documents that are of historic, rather than current, importance. There also are links to the web sites of Postwatch, Royal Mail and the Office of Public Sector Information.

Hard copies of current publications

- 5.3 For hard copies of current publications or to be put on Postcomm's mailing list, please contact –

Joseph Bonner or Nina Rutter, at

Postcomm
Hercules House
6 Hercules Road
London
SE1 7DB

Telephone 020 7593 2100

Fax 020 7593 2412

Email Joseph.Bonner@psc.gov.uk and Nina.Rutter@psc.gov.uk

Public Register and historic documents

- 5.4 For documents available on Postcomm's public register and for documents no longer available on Postcomm's website please contact –

Nina Rutter, at

Postcomm
Hercules House
6 Hercules Road
London
SE1 7DB

Telephone 020 7593 2100

Fax 020 7593 2412

Email Nina.Rutter@psc.gov.uk

Other contact addresses

- 5.5 For information on consumer issues, such as standards of service, complaints and regional issues you may wish to contact –

Postwatch
28-30 Grosvenor Gardens
London
SW1W 0TT

Telephone 08456 013265

- 5.6 For information specifically on Royal Mail, Post Office Ltd and Parcel Force, please contact –

Royal Mail
148 Old Street
London
EC1V 9HQ

Telephone 08457 740740

- 5.7 For more information on the Freedom of Information Act 2000 and on data protection and information issues generally, please contact –

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 700

Facsimile: 01625 524510

e-mail: data@dataprotection.gov.uk

Website: www.informationcommissioner.gov.uk