

ACMD

Advisory Council on the Misuse of Drugs

Publication Scheme

Confidentiality status: For information

- For members' use only – do not show to or discuss with anyone else
- For information – may be shown freely or discussed with anyone

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Date

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Background

This publication scheme is in accordance with the ACMD policy on openness and transparency detailed in the ACMD's Code of Practice. This is a revised version that replaces the previous publication scheme.

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Introduction

1. Under Section 19 of the Freedom of Information Act 2000, the Advisory Council on the Misuse of Drugs (ACMD) is required to adopt and maintain a scheme for the publication of ACMD information. In this context, “publication” means to “make publicly available”. We shall publish information in accordance with this scheme and shall monitor and review its operation. An electronic version of this scheme is on the ACMD’s website <http://www.drugs.gov.uk/drugs-laws/acmd/>. The purpose of this Publication Scheme is to make information available before you need to ask for it.

The Misuse of Drugs Act 1971 and the ACMD

2. The Advisory Council for the Misuse of Drugs (ACMD) was established in accordance with Schedule 1 of the Misuse of Drugs Act 1971.
3. The terms of reference of the Advisory Council are set out in section 1 of the Misuse of Drugs Act 1971 (the Act) and are as follows:

"It shall be the duty of the Advisory Council to keep under review the situation in the United Kingdom with respect to drugs which are being or appear to them likely to be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem, and to give to any one or more of the Ministers, where either Council consider it expedient to do so or they are consulted by the Minister or Ministers in question, advice on measures (whether or not involving alteration of the law) which in the opinion of the Council ought to be taken for preventing the misuse of such drugs or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the Council, ought to be taken."

4. A further duty is placed on the ACMD to consider any matter relating to drug dependence or the misuse of drugs which may be referred to it by any Government Minister (as defined in the Act).

5. Ministers - ordinarily the Home Secretary - are obliged to consult the Advisory Council before laying Orders before Parliament or before making Regulations (or any changes to the same) under the Act.
6. The ACMD is an independent advisory Non-Departmental Public Body and is subject to the provisions in the Freedom of Information Act 2000 and Data Protection Act 1998. The Secretariat is responsible for this Publication Scheme and for administering it on behalf of the ACMD.

The Advisory Council on the Misuse of Drugs (ACMD)

7. The ACMD's advice to the Government is normally published in the following forms:
 - Formal reports and statements;
 - Meeting minutes; and
 - An annual report.
8. Wherever possible, advice from the ACMD will be placed in the public domain at the time the advice is sent to ministers. Where advice cannot be made public, or cannot be made public for a period of time, this will be explained. It is not anticipated that there will be many occasions when there is a need to withhold advice, but some examples might include: when there is a specific and significant risk that doing so would prove commercially or financially sensitive, or where studies are sensitive in security terms. When such circumstances are time-dependent, the need to continue to withhold publication will be reviewed on a regular basis.
9. The ACMD recognises the public interest in access to information about its Code of Practice, its work, and the advice it gives to Government including the reasons for that advice. It also recognises, however, the public interest in maintaining the confidentiality of some of its papers and of the advice that it gives. Exempt Restricted material normally takes one of following forms:
 - information about policy development of Government, which would fall under an exemption under the Freedom of Information Act 2000 and which it would not be in the public interest to reveal;
 - information received from third parties on confidential matters, and;
 - personal information about members, which would fall under an exemption under the Data Protection Act 1998.

Purpose and approach

10. As required by Section 19 of the Freedom of Information Act 2000 the ACMD will publish information about its work on a proactive basis through its publication scheme. The purpose of implementing this scheme is to minimise the need for members of the public who are or might be

interested in the work of the ACMD to make an individual request by making information available as widely and as readily as possible.

The Scheme

11. Information in the following classes will be provided through the scheme, save where an exemption under the Freedom of Information Act 2000 or Data Protection Act 1998 is mentioned and applies. Information will be published as stated free of charge (where reasonably practicable). Where appropriate, applications to the secretariat should preferably be made in writing by post or email; replies will be sent within 20 working days of receipt.

Information to be provided includes:

- **General Information about the Advisory Council on the Misuse of Drugs:** The terms of reference, will be published on the ACMD's web pages¹ and within the annual report. The list of members of the ACMD, its working groups and sub-groups will be published on the ACMD's web pages.
- **Membership of the ACMD:** The register of members' interests includes any members' personal or non-personal interests which they feel might conflict with their responsibilities as a member of the ACMD, or which may be perceived (by a reasonable member of the public) to influence their judgement. The register will be published on the ACMD's web pages and in the annual report.
- **Code of Practice:** The Code of Practice of the ACMD will be published on the ACMD's web pages.
- **Press Notices:** Press notices and statements will be published on the ACMD web pages.
- **Research/Inquiry Reports:** The advice of the ACMD will be published in writing, unless a situation is urgent where oral advice is required to be given, but will be followed-up by written confirmation of the advice. Formal reports and statements will be published on the ACMD web pages. A list of formal reports and statements will also be published in the annual report.
- **Papers and Minutes of Meetings²:** Meeting agendas will be published on ACMD web pages two weeks prior to meetings taking place, and will

¹ <http://www.drugs.gov.uk/drugs-laws/acmd/>

² Interim findings and updates from the ACMD working groups and sub-groups will be published via the ACMD's minutes.

be made available on application to the secretariat. Draft ACMD meeting minutes will be published on the ACMD web pages and confirmed after sign off by the chair at the subsequent meeting.

- **Summary of the ACMD's intended future programme of work:** A proposed future work programme will be published on the ACMD web page on an annual basis and in the annual report.
- **Annual Report:** The ACMD annual report will be published on the ACMD web pages.

12. Information may be withheld in circumstances where it is subject to exemptions under the Act – these may include, but are not limited to:

- Section 21: Where information is reasonably accessible to the applicant by other means.
- Section 22: Information intended for future publication - where release would result in the premature publication of research.
- Section 27: International relations - where release would be prejudicial to the interests of the UK.
- Section 36(2)b: Prejudice to effective conduct of public affairs - where disclosure would, or would be likely to, inhibit the free and frank provision of advice, or the free and frank exchange of views for purposes of deliberation, or would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.
- Section 40: Personal information - which is covered by the Data Protection Act, involving the disclosure of personal information.
- Section 41: Information provided in confidence - by a third party.
- Section 43: Commercial interests - where release might be prejudicial to commercial interests.
- Under Section 12 of the Act the ACMD reserves the right to refuse a request where the cost of complying with the request would exceed the appropriate limit, as defined by the FOI fees regulations.