

PARLIAMENTARY PUBLICATIONS

Executive summary

1. This paper invites the SPCB to consider a policy on publications produced and distributed by Members using parliamentary resources.

Issues and Options

2. At present, guidance on the use of resources is provided to all Members. This covers a number of areas, and in relation to publications this is used to advise Members in advance on the content of any publication or use of resources and to determine whether or not there has been a breach of the guidance in respect of any complaints received.

3. It is proposed that the guidance will be revised in due course to provide examples on what may and may not be an appropriate use of parliamentary resources. Firstly, however, it is recommended that a policy is agreed on publications produced and distributed by Members, based on the existing guidance and also taking into account our experiences in the run up to the last general election and since the election. It is also considered important for the proposed policy to reflect the impact the forthcoming constitutional issues might have in respect of publications.

4. A draft policy on publications has now been prepared at Annex A. One of the key points of the policy is to ensure that Members have sufficient flexibility to prepare publications on any issue that relates to their work as a representative parliamentarian. However, given that such publications are prepared using public funds, the policy also sets out certain limitations in respect of party political activity and material that promotes or criticises any person or organisation.

5. The proposed policy makes clear that where views are invited from constituents the treatment of such information must comply with, both the Data Protection Act 1998 and the policy on publications. Personal information cannot therefore be shared with political parties.

6. Material posted on websites paid for out of the Reimbursement of Members' Expenses Scheme should also be covered by this policy. It should be noted that this would not preclude a Member from providing a link to an external website, including a party political website.

7. On the timing of publications, we have proposed that no publication should be issued within 4 months of a Scottish Parliamentary, UK General election, European Parliamentary election, Scottish local government election or a national referendum.

8. The SPCB is now invited to consider and agree the proposed draft policy on publications.

Resource Implications

9. There are no resource implications.

Governance issues

10. Issues arising from these policies are covered by the Code of Conduct or Reimbursement of Members' Expenses Scheme.

Publication Scheme

11. This paper may be published when the policy has been agreed and circulated to Members.

Next steps

12. Based on the discussion of this paper the policy will be finalised and prepared for issue to all Members.

Decision

13. The SPCB is now invited to consider and agree the proposed draft policy on publications.

Allowances Policy
October 2012

SPCB POLICY ON PUBLICATIONS

General

1. Members may use parliamentary resources to produce and distribute publications which inform constituents about the work of Parliament or a Member's work in the Parliament or locally within the constituency or region for which they were elected. For the purpose of this policy document, a publication is: an annual report, newsletter, circular letter, web material or surveys used to contact or consult with constituents or local groups, or to provide information about how to contact a Member.
2. Circulated publications must not be distributed outside a Member's electoral area.
3. The Parliament's corporate identity **must** appear in any parliamentary funded publication.



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4. Where costs have been incurred in the printing and/ or preparation of any such publication it **must** include a note which is clearly visible in the following terms:

'The costs of this publication have been met out of parliamentary resources'.

Content

5. Publications funded from parliamentary resources must be factual and relate to the Member's work as a representative parliamentarian.
6. Parliamentary funded publications must not include:
 - Any material that promotes the [political] cause of any person, political party, the government, or other organisation involved in political campaigning
 - Any material that criticises any person, political party, the government, or other organisation involved in political campaigning;
 - Any material that promotes, criticises or campaigns for or against anyone seeking election;
 - Material likely to provide a personal benefit to a Member or other person or organisation
 - Communications that are non-parliamentary in nature including greetings messages or promote commercial enterprises

➤ Fundraising of any kind

7. Publications can refer to the “Scottish Government” or the “Government”, but must not refer to the Government by party. Any reference to a government initiative should be directly related to how it impacts on the Member’s electoral area.

8. When seeking information from constituents in the form of a survey or other publication, Members must comply with the Data Protection Act 1998.

9. To comply with the Act, Members can only ask for information from constituents if they make clear to them why they are gathering the information and what they intend to do with it. Information cannot subsequently be used for a different purpose. Neither can it be passed to third parties unless constituents are informed at the outset that this will be done.

10 A breach of the Data Protection Act could have significant repercussions including a substantial fine, a claim for compensation from an individual who has been distressed or damaged by reprocessing, or a Member or a member of their staff could be committing an offence.

11. As set out in paragraph 6 above surveys or any other publication paid for from parliamentary resources must not be used for party political or campaigning purposes and therefore, constituent’s personal data cannot be made available to political parties or national political campaign organisations (even if permission is sought for data protection purposes).

12. The policy on content also applies to material made available on websites funded out of parliamentary resources. Members may provide links to external websites provided there is a disclaimer highlighting that the SPCB has no responsibility over the content of such websites.

Use of logos

13. Members may include in a publication a reference to their party affiliation together with the description of their electoral status alongside their name. However, it is not acceptable to incorporate such information beside the Parliament’s corporate identity. Where a Member refers to their parliamentary political party it should only be by using the following template:

“[Communication] issued by [Name]
Member of the Scottish Parliament for [constituency/ region] (party affiliation in brackets)”

14. The use of political party logos or political campaign emblems is not permitted on any parliamentary funded publication. Photographs used must be free of party political or campaign material.

15. A parliamentary publication funded jointly with an MP, MEP or local councillor, can use the Parliament’s corporate identity alongside the Westminster/ European Parliament or local authority logo. Any joint

publication must comply with this policy. The cost of a joint publication should be divided equally between the issuers.

Timing

16. No publications prepared under this policy may be issued within 4 months of a Scottish parliamentary election, UK parliamentary general election, European parliamentary election, Scottish local government election or any national referendum.

17. In respect of a Scottish parliamentary by-election or UK parliamentary by-election, no publications prepared under this policy may be issued between the date the by-election is called and the date of the by-election. This only applies to the Scottish parliamentary region in which the by-election will be held.

Costs

18. The costs of a parliamentary funded publication including stationery, printing and distribution must be met from the Members' postage and stationery provision, the Office Costs provision of the Reimbursement of Members' Expenses Scheme or from both. Members who include any material not allowed under this policy must fund the whole cost of the publication personally.

19. Parliamentary printers or photocopiers must not be used for publications prepared under this policy, unless the costs can be separately identified and charged to the relevant provision.

20. Members' attention is drawn to the Members' Code of Conduct (paragraph 7.2.11). Members are responsible for ensuring that this policy is fully complied with. Failure to do so may also expose the Member to allegations of misuse of parliamentary resources and the Member may be asked to repay any costs involved.

21. While the responsibility rests with the Member to comply with the policy, should any Member wish to seek advice on the content of any publication to reduce the risk of any complaint being upheld a draft of the publication can be submitted to the Allowances Office for advice **prior** to printing (contact 0131 348 6609). Advice on the use of the corporate identity is available from the publications team (0131 348 5366).