



POLICY STATEMENT

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Policy:	Freedom of Information and Environmental Information Policy
Legal Requirements:	Freedom of Information (Scotland) Act 2002 Environmental Information (Scotland) Regulations 2004 Scottish Social Housing Charter
Regulatory Standards:	The Scottish Housing Regulator has set out Regulatory Standards for all Registered Social Landlords (RSLs) to ensure that RSLs deliver good outcomes and services for its tenants and service users through good governance and financial management. This policy evidences that the following Regulatory Standards are being met: Standard 2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. Standard 5. The RSL conducts its affairs with honesty and integrity.
Notifiable Events Guidance:	In compiling this policy, consideration has been given to the Notifiable Events Guidance issued by the Scottish Housing Regulator and the impact of that guidance on the policy.
Equality and Diversity:	The Association is committed to Equal Opportunities and will endeavour to ensure that all services are carried out in an undiscriminating manner in line with the Association's Equality and Diversity Policy. In particular, the Association will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, gender reassignment or sexual orientation.
Human Rights:	In compiling this policy, consideration has been given to "The Right to Adequate Housing" (Fact Sheet No. 21/Rev.1) published by the Office of the United Nations High Commissioner for Human Rights and the impact of that guidance on the policy. In particular, the Association is satisfied that this policy promotes the key aspects of the right to adequate housing – that it contains freedoms; entitlements; provides more than four walls and a roof; and protects against forced evictions.
Complaints:	Although the Association is committed to providing high levels of service, we accept that there may be occasions where customers may not be satisfied with the service they have received. The Association values all complaints and uses this information to improve the services that it provides. The Association's Complaints Policy describes our complaints handling procedure and how to make a complaint.
General Data Protection Regulation (GDPR):	The Association will treat all customers' personal data in line with its obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in the Association's Fair Processing Notice.
Policy Author:	Kevin Freeman
Policy Review:	In order to ensure that any change in circumstances is accommodated this policy will be subject to review every year in the month of October.
Policy Approval:	This policy was last reviewed / approved by the Management Committee of Yoker Housing Association Limited at its meeting held on Thursday the 24th of October 2024.



Introduction

The Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIR) place a general obligation on Scottish Public Authorities to allow the public access to information that they hold. Both FOISA and EIR are overseen by the Scottish Information Commissioner (SIC).

From 11 November 2019, Yoker Housing Association Limited will be designated a Scottish Public Authority and will need to make information available in accordance with FOISA and EIR.

Statement of Aims

This is the Freedom of Information and Environmental Information Policy of Yoker Housing Association Limited. The aim of this policy is to:

- Provide a general understanding of FOISA and EIR; and
- Outline where responsibility lies for complying with the legal duties placed on the Association under FOISA and EIR.

Legal Requirements

The relevant legislation that relates to the processing of information requests are:

- Freedom of Information (Scotland) Act 2002 (FOISA); and
- Environmental Information (Scotland) Regulations 2004 (EIR).

The Freedom of Information and Environmental Information Regulations also relates to the following Scottish Social Housing Charter (SSHC) outcomes:

Outcome 2 – Communication – Social landlords manage their businesses so that:

“tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.”

Policy Statement

The Association is committed to the underlying principles of openness and transparency that underpins FOISA and EIR and complies fully with the requirements of the legislation. The Association will therefore:

- Follow the relevant Scottish Ministers Codes of Practice relating to FOISA and EIR, as well as any relevant guidance issued by SIC;
- Take into account the needs of individuals when presenting information under FOISA and EIR;
- Make all employees aware of their responsibilities under FOISA and EIR and support them in fulfilling those responsibilities;
- Publish a wide range of information through our Publication Scheme;
- Monitor compliance with FOISA and EIR with a view to continuous improvement;
- Respect data protection in accordance with the UK GDPR and Data Protection Act 2018 when complying with FOISA and EIR;
- Only withhold information where entitled to do so under FOISA and EIR and explain why information is withheld; and
- Provide advice and assistance to individuals seeking to access information.

Responsibilities

The Housing Manager has lead management responsibility for FOISA and EIR within the Association. This responsibility includes the effective implementation and regular review of this Policy.

The Housing Manager will be responsible for:

- Responding to requests for information under FOISA and EIR within the relevant timescales;
- Forwarding information requests to the relevant staff members in order to gather the information relating to individual requests;
- Collating information and sending it out to requesters;
- Making information available in accordance with the Association’s Publication Scheme;



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Responsibilities (continued)

- Ensuring that the Association's Guide to Information is kept up to date; and
- Dealing with requests for review.

All employees are responsible for:

- Familiarising themselves with this policy;
- Forwarding information requests received to the Housing Manager as quickly as possible;
- Seeking guidance from the Housing Manager if they are unsure about how to recognise an information request;
- Seeking guidance from the Housing Manager if they are unsure about any of the duties placed on the Association by FOISA or EIR.
- Providing information requested by the Housing Manager to allow a request for information to be processed.

Employees should be aware that a criminal offence is committed where an information request is received, and information held by the Association is deleted or altered with the intention of preventing disclosure of that information. Employees who are unsure of whether the deletion or alteration of information may result in an offence should seek guidance from the Housing Manager.

Compliance with this policy is compulsory for all employees. Any employee who fails to comply with this policy may be subject to disciplinary action.

Scope of Policy

This policy applies to any information held by the Association which relates to one or more of the functions set out below, regardless of the format of that information. This includes information created internally and information received from third parties. It will also relate to information which is held on behalf of the Association.

This policy applies to all employees of the Association.

Background

The Association is subject to both FOISA and EIR by virtue of the Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019 (the Order). The Order came into effect on 11 November 2019 and brought of Registered Social Landlords (RSLs) and certain RSL subsidiaries under the scope of FOISA and the EIR.

What is subject to FOISA and EIR

In accordance with the terms of the Order, not all of the Association's activities are subject to FOISA and EIR. The Association is only subject to these regimes in respect of certain functions, namely 'housing services' as defined in section 165 of the Housing (Scotland) Act 2010, which it carries out, although subject to some restrictions. Based on the definition on 'housing services' and the restrictions which are set out in the Order, the following functions carried out by the Association are covered by FOISA and EIR:

- The prevention and alleviation of homelessness;
- The management of social housing accommodation
- The provision and management of sites for gypsies and travellers; and
- The supply of information to the Scottish Housing Regulator (SHR) by an RSL or a connected body (i.e. a subsidiary) in relation to its financial wellbeing and standards of governance.

The difference between FOISA and EIR

EIR provides a right of access to 'Environmental Information' held by the Association. Environmental Information has a very wide definition which is set out in the Regulations. Where a request is received under FOISA for Environmental Information it should be processed in accordance with EIR.



Background (continued)

The difference between FOISA and EIR (continued)

5 Whilst the obligations under FOISA and EIR are similar, there are some key differences that employees must be aware of when dealing with requests for information. Guidance on the differences are available on SIC's website.

Legal Duties

10 The Association has a number of legal duties which it must comply with under FOISA and EIR. These are set out below:

Responding to Information Requests

15 People have the right to request information from the Association. Where the information requested is within the scope of the Order and the Association holds that information, the Association must release the information unless an exemption (under FOISA) or an exception (under EIR) applies. The Association shall, when responding to requests for information from individuals, follow the Section 60 Code of Practice and any relevant guidance produced by the SIC.

20 The Association aims to respond to information requests promptly, and in any event within 20 working days of receiving the request (except in some circumstances under EIR where the Association is entitled to extend the timescale for responding by an additional 20 working days).

25 Where the Association provides an individual with the information they have requested, it will in so far as is reasonable to do so, provide information in the format that the individual has requested and will adhere to any duties in accordance with the Equality Act 2010.

Where the Association refuses to provide information to individuals it will clearly explain reasons why and detail the provision in FOISA or EIR that allows the Association to withhold that information and why the Association believes that provision applies (including, where required, an explanation of how the Association has carried out the Public Interest Test).

30 Where the Association is asked to provide information which it does not hold but is aware that another Scottish Public Authority does hold the requested information, the Association shall provide contact details of said Authority to the individual requesting the information and explain that the individual may wish to request the information from that Scottish Public Authority. Where a request is being handled under EIR and these circumstances apply the Association shall offer to transfer the individual's request to the other Scottish Public Authority.

35 The Association may choose to charge for fulfilling information requests received from individuals. Any charges made by the Association shall be made in accordance with:

- For requests being handled under FOISA: the Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004
- For requests being handled under EIR: the Schedule of Charges published within the Association's Guide to Information.

Any fee charged by the Association will be reasonable and will not exceed the costs to the Association of providing requested information.

45 Responding to Requests for Review

Where someone has requested information from the Association and:

- The Association has failed to respond to the request within the 20 working day deadline (or extended deadline in respect of certain requests made under EIR); or
- The person requesting the information is unhappy with the response to the request (e.g. where information has been withheld under one of the exemptions or exceptions available under FOISA / EIR).

55 they have the right to request that the Association reviews the response to their request to determine whether or not the provisions of FOISA or EIR have been followed.



Legal Duties (continued)

Responding to Requests for Review (continued)

5 Where the Association performs a review and determines that a response to a request is not in accordance with FOISA or EIR, the Association will take immediate steps to rectify this matter. This could, for example, include releasing information which was previously withheld.

10 Where the Association performs a review and determines that a response to a request is in accordance with FOISA or EIR then the Association will notify the individual who asked for a review of this as quickly as possible.

The Association will handle all requests for review in accordance with the timescales set out in FOISA and EIR.

15 Where an individual is unhappy with the response to their review request they may appeal to the SIC. If an appeal is made by SIC and a decision handed down by them, both the Association and the individual in question have a right to appeal to the courts on a point of law.

Provision of Advice and Assistance to Individuals

20 The Association must provide individuals seeking to access information with advice and assistance. This advice and assistance will be provided with a view to ensuring that all barriers which may potentially prevent an individual from accessing information are removed. The Association will comply with this duty by following the guidance contained in the Section 60 Code of Practice issued by Scottish Ministers.

25 Vexatious and Repeated Requests

In accordance with sections 14(1) and 14(2) of FOISA the Association does not have to comply with vexatious or repeated requests for information.

30 Where requests are considered to be vexatious or repeated, the Association will notify the requester that their request is being treated as vexatious or repeated.

35 The Association will consider all the relevant circumstances in order to reach a balanced conclusion as to whether a request is vexatious or repeated. In particular the Association will consider:

- Whether a request is reasonable;
- Whether a request would impose a significant burden on the financial and human resources of the Association; or
- Where a request is deemed to be vexatious because of other impacts on the Association.

40 The Association will not unjustly deny any person the opportunity to make a genuine information request. It is recognised that requests may be inconvenient, and meeting them may at times stretch an authority's resources. However, these factors, on their own, are not sufficient grounds for an authority to deem a request vexatious or repeated.

45 Publication of Information

The Association shall publish information in accordance with its Publication Scheme through its Guide to Information. The Guide to Information of the Association will be available on its website and a paper format will also be available on request.

50 Data Protection

The Association is committed to upholding its data protection obligations set out in the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

55 Under data protection laws, individuals have the right to request access to all of the information that the Association holds about them. This and other rights that individuals have under data protection are not covered by this policy. Employees should refer to the Association's Privacy Policy when dealing with these rights.