



FREEDOM OF INFORMATION POLICY

Approved/last reviewed by Management Committee: 2 December 2020

Date due for review: December 2021

The information in this document is available in other languages or on tape/CD, in large print and also in Braille.

For details contact the Association on 0141 578 0200 or e-mail: admin@hillheadhousing.org

本文件所載資料備有中文 (廣東話) 版本，也可以製作成錄音帶/光碟，以及利用特大字體和凸字印製，以供索取。
欲知有關詳情，請聯絡本協會，電話：0141 578 0200，或向我們發送電郵，電郵地址：
admin@hillheadhousing.org

Tha am fiosrachadh anns an sgrìobhainn seo ri fhaotainn ann an Gàidhlig no air teip/CD, sa chlà mhòr agus cuideachd ann an Clò nan Dall.
Airson tuilleadh fiosrachaidh, cuiribh fios dhan Chomann air 0141 578 0200 no cuiribh post-dealain gu: admin@hillheadhousing.org

इस दस्तावेज़ में दी गई जानकारी हिन्दी में भी या टैप, सी डी, वड़ी छाप और ब्रैल में भी उपलब्ध है। विवरण के लिए एसोसिएशन को नम्बर 0141 578 0200 पर या ई-मेल के द्वारा सम्पर्क करें :
admin@hillheadhousing.org

ਇਸ ਦਸਤਾਵੇਜ਼ ਵਿਚ ਦਿੱਤੀ ਗਈ ਜਾਣਕਾਰੀ ਪੰਜਾਬੀ ਵਿੱਚ ਵੀ ਜਾਂ ਟੇਪ, ਸੀ ਡੀ, ਵੱਡੀ ਛਪਾਈ ਅਤੇ ਬ੍ਰੈਲ 'ਤੇ ਵੀ ਉਪਲਬਧ ਹੈ। ਵੇਰਵੇ ਲਈ ਐਸੋਸੀਏਸ਼ਨ ਨੂੰ ਨੰਬਰ 0141 578 0200 'ਤੇ ਜਾਂ ਈ-ਮੇਲ ਰਾਹੀਂ ਸੰਪਰਕ ਕਰੋ :
admin@hillheadhousing.org

اس دستاویز میں درج معلومات اردو زبان یا آڈیو ٹیپ / سی ڈی، بڑی طباعت اور بریل میں بھی دستیاب ہیں۔
تفصیلات کے لئے ایسوسی ایشن سے ٹیلیفون نمبر 0141 578 0200 یا ای میل admin@hillheadhousing.org کے ذریعے رابطہ قائم کریں۔

<p>Regulatory Compliance</p>	<p>1. 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. 2.1. The RSL gives tenants, service users and other stakeholders information that meets their needs about the RSL, its services, its performance and its future plans.</p>
<p>Financial Impact</p>	<p>Medium – the Association could face fines should there be a breach of the Act</p>
<p>Risk Assessment</p>	<p>Medium – there is reputational risk to the Association should it be seen not to be open and transparent</p>

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HILLHEAD HOUSING ASSOCIATION

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

1. Policy

Hillhead Housing Association is committed to openness and transparency. We will comply with the provisions of the Freedom of Information (Scotland) Act 2002 (FOISA) and related legislation, including the Environmental Information Regulations (Scotland) Act 2004, the General Data Protection Regulation and the Data Protection Act 2018.

2. Scope

For Registered Social Landlords in Scotland, this Policy refers to freedom of information (FOI) legislation covering the following functions:

- the prevention and alleviation of homelessness
- the management of social housing accommodation (i.e. where an RSL has granted a Scottish secure tenancy or short Scottish secure tenancy)
- the provision and management of sites for gypsies and travellers
- supplying information to the Scottish Housing Regulator in relation to its financial well-being and standards of governance

It is important to note that FOI rights will only apply to information held by Hillhead Housing Association in relation to these functions.

FOISA enables anyone, anywhere in the world, to request any recorded information held by, or on behalf of, Hillhead Housing Association. There is no need for the applicant to explain their reasons for the request, or that it is a request under FOISA. Requests for information must be made in writing, which includes emails. The request must state the name and address of the person applying for the information and the required information.

Information will be provided if it is held, unless one or more of the exemptions listed in the legislation applies. Information which is exempt does not have to be provided.

3. Responsibilities

All staff are responsible for ensuring that Freedom of Information requests they receive are dealt with in accordance with the FOISA and in compliance with this policy. Staff should forward all initial requests for information received by Hillhead Housing Association to Mandy White, Head of Corporate Services. All requests must be dealt with promptly and in line with this policy. If requests are made verbally, staff must ask the applicant to put their request in writing (appropriate assistance will be provided to applicants with access requirements) to Mandy White, Head of Corporate Services at the address given in section 6 below.

Hillhead Housing Association's Management Committee has overall responsibility for this policy. The Senior Management Team are responsible for ensuring implementation and compliance with this policy.

4. Publication Scheme

Hillhead Housing Association has adopted the Scottish Information Commissioner's Model Publication Scheme / SFHA's 'Open All Hours' Publication Scheme.

The Scheme sets out what information Hillhead Housing Association will make available, classified by type of information, and how this information can be accessed. It also details how much it will cost if there are any charges. The Scheme can be accessed using the following link to our website:
www.hillheadhousing.org

5. Requests for Information

Members of the public are entitled to request information from Hillhead Housing Association.

All recorded information held by Hillhead Housing Association falling within the functions set out in 'Scope' above, is subject to the requirements of the FOISA.

The type of information which may be requested can be paper or electronic and may include draft documents, agendas, minutes, emails, diaries or handwritten notes.

Where a valid request is received, there is a duty on Hillhead Housing Association to confirm or deny whether it holds the information and if it does hold it, to provide the information so long as an exemption does not apply. If information has been requested but is not held, Hillhead Housing Association will inform the applicant of this. In exceptional cases Hillhead Housing Association may not be able to either confirm or deny if the information requested is held, for example where the request is for personal information of a person other than the requester.

If a request is unclear, Hillhead Housing Association will ask for clarification as soon as possible to enable us to proceed with considering the request. Hillhead Housing Association will provide advice and assistance to help people make requests under the FOISA. We will aim to acknowledge requests for information within two working days of receipt. Hillhead Housing Association aims to respond to all requests promptly and in any event within 20 working days following receipt of a valid request. The applicant will be informed if it is not possible to comply with this timescale and will be given an indication of when the response is likely to be provided.

6. Charges for information

Information provided in response to requests will normally be provided electronically, and will be free of charge where possible. Hillhead Housing Association may need to charge in some circumstances, for example where the costs are significant. In such cases Hillhead Housing Association will notify the applicant in advance and will not charge where costs incurred are below the threshold of £100.

If we estimate the cost of dealing with the request to be over £100, we will issue a 'Fee Notice' informing the applicant of the required fee before processing the request for information and as soon as possible within the 20 working day

deadline following receipt of the request. Once we issue a Fee Notice, the 20 working day time limit for responding stops and will start again only when we receive payment.

Any fees or disbursement costs paid to us are non-refundable. Fees and disbursement costs that we charge should be paid by cheque or postal order, made payable to Hillhead Housing Association and sent to:

Hillhead Housing Association
2 Meiklehill Road
Hillhead
Kirkintilloch G66 2LA

7. Statistics

Hillhead Housing Association must submit statistical reports to the Scottish Information Commissioner on a quarterly basis. The reports include the numbers of requests received under FOISA, EIR and GDPR legislation, whether any exemptions were used and whether any reviews were carried out.

8. Exemptions

The FOISA does not entitle applicants to be given all information held by Hillhead Housing Association. The FOISA sets out exemptions from the right of access to information.

There are two kinds of exemptions:

- Absolute exemptions – the right to information is completely over-ridden by the exemption
- Non-absolute exemptions – where an exemption may be applied, but Hillhead Housing Association must decide whether it serves the interests of the public better to disclose the information than to withhold it. This is known as the public interest test.

Although there might be occasions when it is appropriate to rely on an exemption, provision of information is an integral part of Hillhead Housing Association's work. Therefore, we aim to disclose as much information as possible and rely on exemptions only in limited circumstances.

Where a request is refused, a refusal notice must be issued setting out the section of FOISA being relied upon and in most instances explaining the reasons for the refusal, including the details of any public interest and prejudice tests that have been applied. The refusal notice will also outline the review procedure with relevant details and inform the requester of their right to complain to the Information Commissioner.

8.1 Vexatious requests

While we are committed to providing information, we sometimes receive requests which can be deemed 'vexatious'.

In determining whether a request may be vexatious we will consider whether meeting the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation. Where we believe the request to be vexatious, we will issue a refusal notice **unless** we have already done so in response to an earlier vexatious or repeated request from the same individual, and it would be unreasonable to issue another one.

8.2 Repeated requests

Hillhead Housing Association can refuse requests if they are repeated within a reasonable timescale from the previous request, whether or not they are also vexatious.

8.3 Cost Limit is Exceeded

Hillhead Housing Association reserves the right to refuse requests where the cost of providing the information would exceed the statutory cost limit. This limit is currently £600.

The requester cannot be charged for the first £100 it costs to find and provide the information. Therefore, if the cost of providing the information is less than £100, the requester will receive it free of any charges.

If the cost is over £100 and up to and including £600, we can charge the requester 10% of the cost of providing the information (bearing in mind, the first £100 is free) so the maximum we could charge would be £50, i.e. 10% of the remaining £500 if the cost to us was £600.

If the total cost to us is going to be over £600, we can refuse the request. However, we will advise on how the cost could be reduced so that the request could be fulfilled.

The fees regulations allow us to charge for "projected costs", "whether direct or indirect, which Hillhead Housing Association reasonably estimates we are likely to incur in locating, retrieving and providing the information". Costs which might be charged include estimates of the staff time to collect information from our archive, the cost of postage to deliver the information to the requester or the cost of photocopying in order to provide it. We cannot, however, charge for the time and resources used to determine whether we actually hold the information e.g., through searches of catalogues and records holdings. We also cannot charge for any costs incurred in deciding whether the information can be released.

8.4 Other Exemptions

There are other exemptions that Hillhead Housing Association might apply to information being released and these include:

- Information otherwise accessible
- Prohibitions on disclosure
- Information intended for future publication
- Relations within the United Kingdom
- Formulation of Scottish Administration policy etc.
- Prejudice to effective conduct of public affairs
- National security and defence
- International relations

- Commercial interests and the economy
- Investigations by Scottish public authorities and proceedings arising out of such investigations
- Law enforcement
- Confidentiality
- Court records, etc.
- Personal information (as defined in GDPR and DPA 2018)
- Health, safety and the environment
- Audit functions
- Communications with Her Majesty etc. and honours

9. Reviews

Anyone who has made a request for information to Hillhead Housing Association under the FOISA is entitled to request an internal review if they are unhappy with the way their request has been handled.

Internal reviews will be carried out by Stephen Macintyre, Director.

A request for review may be about:

- a decision not to give them some or all of the information
- how an exemption has been applied
- how the request was handled (eg failing to reply to them within the time limit allowed)
- a complaint about our Publication Scheme,
- failing to give them advice about, and help with, making their request
- asking them to pay a fee that they might feel is unreasonable

Hillhead Housing Association may ask the applicant for clarification of the grounds of their complaint if the grounds are not clear.

A request for an internal review should be sent to the Director at the address set out in section 6 above.

An internal review will consider whether or not the request was handled appropriately, in line with the requirements of the FOISA. Applicants wishing to ask for an internal review must do so within 40 working days of the date of Hillhead Housing Association's final response to their request.

Hillhead Housing Association will acknowledge the request for an internal review within two working days and aims to respond within 20 working days of receipt. In a small number of cases, the response may take longer. In these circumstances, Hillhead Housing Association will notify the requester, explain why more time is needed and give an estimate of the completion date.

Anyone who is unhappy with the outcome of an internal review is entitled to complain to the Scottish Information Commissioner.

10. Data Protection

Hillhead Housing Association will treat tenants' personal data in line with its obligations under the current General Data Protection Regulation and its own Privacy Statement. Information regarding how tenants' data will be used and the basis for processing data is provided in the Association's Privacy Notice.

11. Equal Opportunities

The Association will seek to ensure that in implementing this policy that no group, organisation or individual will receive less favourable treatment or be discriminated against regardless of their race, colour, ethnic or national origin, language, belief, age, sex, sexual orientation, gender realignment, disability, marital status, pregnancy or maternity. We will positively endeavour to achieve fair outcomes for all.

12. Complaints

Any tenant who feels aggrieved by their treatment under this policy can ask for a copy of the Association's Complaints Handling Procedure which is available on the Association's website or from our office. Any tenant making a complaint will be advised of their right to complain to the Scottish Public Services Ombudsman.

This Policy document will be reviewed annually or as required.

Last updated: December 2020.