

## Environmental Information Request (EIR) Policy

Prepared by	Corporate Manager
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Corporate Fit	Internal Management Plan	✓
	Risk Register	✓
	Business Plan	✓
	Equalities Strategy	✓
	Legislation	✓

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### Alternative formats available



Happy to translate  
Możemy przetłumaczyć  
Раді перекладати  
Ni Fahari kutafsiri  
نحن سعداء لتقديم الترجمة  
अनुवाद करके खुशी हुईं  
ਅਨੁਵਾਦ ਕਰਨ ਵਿੱਚ ਖੁਸ਼ੀ  
乐意翻译

Our policies provide a framework to underpin our vision and values, to help us achieve our strategic objectives.

## Our Vision

Local people, local control.

By providing quality homes and services, we will create stronger communities and a better quality of life for our customers.

## Our Values

- Focused on the needs of our customers and communities.
- Supportive of our staff and Committee members.
- Responsible, efficient, and innovative.
- Open and accountable.
- Inclusive and respectful.
- Fair and trustworthy.

## Strategic Direction

**Consolidation and improvement:** Applicable to our core business as a landlord & property manager.

**Growth:** Through the new build opportunities, we are taking forward.

**Partnerships:** Where this can help to address shared goals and increase capacity and value.

**Resilience:** A key priority across all parts of our business.

## Strategic Objectives

**Services:** Deliver quality, value for money services that meet customers' needs

**Homes & neighbourhoods:** Provide quality homes and neighbourhoods.

**Assets:** Manage our assets well, by spending wisely.

**Communities:** Work with local partners to provide or enable services and activities that benefit local people and our communities as a whole

**Our people:** Offer a great workplace environment that produces a positive staff culture and highly engaged staff.

**Leadership & Financial:** Maintain good governance and a strong financial business plan, to ensure we have the capacity to achieve our goals.

## Our Equalities and Human Rights Commitment

We understand that people perform better when they can be themselves and we are committed to making the Association an environment where employees, customers, and stakeholders can be open and supported. We promote equality, diversity, and inclusion in all our policies and procedures to ensure that everyone is treated equally and that they are treated fairly on in relation to the protected characteristics as outlined in the Equality Act 2010.

## Privacy Statement

As data controller we will collect and process personal data relating to you. We will only collect personal information when we need this. The type of information we need from you will vary depending on our relationship with you. When we ask you for information, we will make it clear why we need it. We will also make it clear when you do not have to provide us with information and any consequences of not providing this. We are committed to being transparent about how we collect and use your data, and to meeting our data protection obligations with you. Further information about this commitment can be found within our full Privacy Statements.

## Policy Scope & Review

For the purpose of this policy the term Association will include all members of the Tollcross Housing Association Limited. Therefore, all employees, governing body members, volunteers, customers and other relevant stakeholders will be expected to adhere to this policy and/or procedure. All policies and procedures are reviewed every 3 years in line with best practice and current legislation. The Association reserves the right to make additions or alterations to this policy and procedure from time to time. Any timescales set out in this policy may be extended where required.

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## 1. Introduction

- 1.1. We are committed to openness and transparency. We will comply with the provisions of the Environmental Information Regulations (Scotland) Act 2004 and related legislation, including the Freedom of Information (Scotland) Act 2002 (FOISA), the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.
- 1.2. We will make every effort to promote greater openness and transparency and maximise public trust in its work as a registered social landlord in Scotland.
- 1.3. We have adopted the Scottish Information Commission Model Publication Scheme / SFHA's 'Open All Hours' Publication Scheme. The Scheme sets out what information we will make available, classified by type of information, and how this information can be accessed (the Scheme can be accessed via our website).

## 2. Purpose & scope

- 2.1. The purpose of this policy is to explain how an individual or organisation can request information held by the Association on environment matters. Environmental information is sometimes available under other legislation or by public registers created as a result of other legislation.
- 2.2. The Environmental Information Regulations 2004 (EIR) came into force on 1 January 2005, to fulfil the UK's legal obligations under European environmental directive 2003/4/EC. The Information Commission regulates the EIR in the UK.
- 2.3. The EIR provides a right of access to environmental information held by the Association and the regulation also sets out exceptions from the obligations to release information.

## 3. Responsibilities

- 3.1. There are three core duties with which the Association will comply with when providing access to information that it holds:
  - 3.1.1 The duty to publish.

We are required under the Freedom of Information (Scotland) Act to produce and maintain a Guide to Information / Publication Scheme (a guide to the information they hold which is publicly available). While we do not need to adopt a publication scheme for environmental information, we will ensure that this is included in our publication scheme (which is available on our website).
  - 3.1.2 The duty to provide advice and assistance.

The Association has a duty to provide reasonable advice and assistance to a person who proposes to make, or has made, a request for information to the Association. This duty applies to both prospective applicants and applicants and the duty exists throughout the lifecycle of the request.
  - 3.1.3 The duty to respond to requests for information.

Requests for information need to be responded to within 20 working days, with an extension permitted of up to 40 working days for complex or voluminous request. Compliance requires good records management to know if the information exists and to be able to locate it promptly.

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

3.3. All employees are responsible for ensuring that Environment Information requests they receive are dealt with in accordance with the EIRs and in compliance with this policy. Employees should forward all initial requests for information received by the Association to the Data Protection Lead. All requests must be dealt with promptly and in line with this policy.

#### **4. Definition of environmental information**

4.1. A broad definition is applied in the regulations as to what may be considered environmental information. This includes any information in written, visual, electronic or any other material form on:

- The state of the elements of the environment - such as air, water, soil, land.
- Substances - Energy, noise, radiation or waste, emissions, discharges and other releases into the environment affecting or likely to affect the state of any of the elements of the environment outlined above.
- Measures – Including administrative measures such as policies, legislation, plans, programmes, environmental agreements, and any activities affecting or likely to affect the state of any of the elements outlined above.
- Reports – Cost-benefit and other economic analyses used in these policies, plans, programmes, agreements and other activities.
- The state of human health and safety, contamination of the food chain and cultural sites and built structures.

#### **5. Request for information**

5.1. Members of the public are entitled to request environmental information held by Association, as per the definition above. The Association is not obliged to create or acquire information from a third party to satisfy a request. The duty to respond to requests extends only to information held by the Association as at the date of receipt of the request.

5.2. Where a valid request is received, there is a duty on the Association to confirm or deny whether we hold the information and if we do hold it, to provide the information so long as an exception does not apply. If information has been requested but is not held, we will inform the applicant of this.

5.3. In exceptional cases we 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.

5.4. If a request is unclear, we will ask for clarification as soon as possible to enable us to proceed with considering the request. We will provide advice and assistance to help people make requests under the EIRs.

5.5. We aim 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. We will aim to acknowledge requests for information within five working days of receipt.

## 6. Exceptions

- 6.1. The Association aims to be as open as possible when carrying out its activities as a registered social landlord in Scotland. However, there may be circumstances in which the Association considers that information cannot be disclosed in response to a request or is exempt under the EIR legislation.
- 6.2. Although there might be occasions when it is appropriate to rely on an exception, provision of information is an integral part of our work. Therefore, we aim to disclose as much information as possible and rely on exceptions only in limited circumstances.
- 6.3. Where a request is refused, a refusal notice must be issued setting out the section of EIRs 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.
- 6.4. We may not progress a request made for environmental information if the requests meets any of the following criteria:
- 6.4.1 Information is Not Held – Regulation 10(4)(a)  
If we do not hold the environmental information then it is not covered by EIR. If the information is not held then it should not be created in order to fulfil a request for information. Advice and assistance should be given to the individual making the request if an organisation is known who may hold the information requested. The contact details of that organisation should be provided to the individual.
- 6.4.2 The Request is Manifestly Unreasonable – Regulation 10(4)(b)  
Environmental information is exempt if fulfilling the request would place a substantial burden on the Association by providing the information. The fact that a request is detailed, complex or contains a volume of work which may tie up resources does not in itself make the request manifestly unreasonable. Reference should be made to the costs that may be charged in providing information and careful consideration must be applied before a request is refused under this criteria.
- 6.4.3 The Request is Too General or Otherwise Unclear – Regulation 10(4)(c)  
If the request for environmental information is considered too general or unclear to progress further clarification should be sought from the individual who has made the request. If the request remains too general or unclear following receipt of further clarification then we may refuse the request citing regulation 10(4)(C).
- 6.4.4 Information is in the Course of Completion, Unfinished Documents or Incomplete Data – Regulation 10(4)(d)  
A request for information can be subject to an exception if we are currently working on a document and the document can be expected to have more work carried out in relation to it within a reasonable timeframe. A document which is in draft format or status is not automatically subject to the terms for exception. The regulation refers to documents that are actively being worked on. If this exception is applied, then the we must inform an individual making a request of the timescale when it reasonably expects the information or document to be completed to allow the individual to make a request for the information in the future.

6.4.5 Internal communications – Regulation 10(4)(e)

Internal communications can be exempt under EIR. The definition applied to internal communications includes internal email exchanges, draft letters to an external organisation and a file note prepared for internal use. Any communication between two or more staff members is considered internal communication. It is also possible for communications between the Association and a third party to be considered internal communication however the onus is on us in this situation to demonstrate that aspects of the administrative or legal relationship with the third party show why communication should be considered internal.

6.4.6 International relations, defence, national security or public safety – Regulation 10(5)(a)

Disclosure of environmental information is exempt where disclosure would substantially prejudice international relations, defence, national security or public safety.

6.4.7 The course of justice – Regulation 10(5)(b)

Environmental information is exempt from disclosure where disclosure would substantially prejudice the course of justice including law enforcement; impair the ability of an individual to receive a fair trial or the ability of a public body to conduct an inquiry of a criminal or disciplinary nature.

6.4.8 Intellectual Property rights – Regulation 10(5)(c)

Environmental information is exempt from disclosure where disclosure would substantially prejudice intellectual property rights including registered rights such as patents, trademarks and designs and unregistered rights such as copyright and design rights.

6.4.9 Confidentiality of the proceedings of the Association where such confidentiality is provided for in law – Regulation 10(5)(d)

Environmental information is exempt from disclosure where disclosure would substantially prejudice the confidentiality of the proceedings.

6.4.10 Confidentiality of commercial or industrial information – Regulation 10(5)(e)

Environmental information is exempt from disclosure where disclosure would substantially prejudice the confidentiality of commercial or industrial information where such confidentiality is provided for by law to protect a legitimate economic interest

6.4.11 Interests of the individual providing the information – Regulation 10(5)(f)

Environmental information is exempt from disclosure where disclosure would substantially prejudice the interests of the person who provided the information where it was supplied to the Association on a voluntary basis and where the person supplying the information had no expectation that the information would be disclosed to a third party and has not consented to disclosure.

6.4.12 Protection of the environment – Regulation 10(5)(g)

Environmental information is exempt where disclosure would substantially prejudice the protection of the environment.

#### 6.4.13 Personal data – Regulation 11

Environmental information is exempt to the extent that it includes personal data.

Where the Association decide not to disclose information to an individual making a request under EIR, one or more of the criteria listed above must be quoted in correspondence issued to the individual giving reasons why the information they have requested has not been disclosed. Use of any of the exceptions outlined above must be applied as restrictively as possible, and a presumption in favour of the release of information must always be adopted.

### 7. **Repeated and vexation requests**

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

7.2. 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. **Charges for information**

8.1. The EIRs allow public authorities to charge for making environmental information available, but any charge must be reasonable. The IC states that any charges should be compatible with encouraging transparency and should not be an obstacle to such access. In general, a reasonable charge may include the disbursements costs in transferring the information to the applicant and the staff time taken to locate the information.

8.2. This policy sets out how we should comply with the charging regime laid out in Regulation 8 of the EIRs and, in particular, what constitutes a “reasonable amount”. As a general rule the charges should not exceed the actual costs of producing the material in question: the purpose of charging is to recover the costs incurred in complying with requests and managing demand.

8.3. In respect of any request for information we reserve the right to:

- Refuse requests on the basis that they are manifestly unreasonable, subject to a public interest test. Under the Environmental Information Regulations there is no ‘cost limit’ for dealing with requests, but requests that cost a disproportionate amount can be refused under regulation 12 (4) (b);
- Refuse requests for copies of information where it is shown that EIR Regulation 5 or 6(1) (b) has been complied with and the information is already accessible either for inspection, at a public library or published on a website, or other public resource.

8.4. There are two broad types of costs for which a public authority can charge:

- **Employee Costs**  
The cost of staff time, including overhead costs, incurred when preparing information to be supplied in response to a specific request. This includes time spent locating, retrieving and extracting the information and putting it into the required format.

- **Material Costs**  
The costs incurred when printing or copying the requested information and sending it to the applicant.

8.5. Our payment schedule for the above associated costs are:

Employee Costs	Charged at actual hourly rate of the employee dealing with the request (including any relevant associated costs, e.g. NI and pension contributions).
Material Costs	Charges vary depending on the format of information supplied: <ul style="list-style-type: none"><li>▪ Paper copy - black and white - 10p per sheet</li><li>▪ Paper copy - colour - 20p per sheet</li><li>▪ USB device - £4.99 per memory stick required</li><li>▪ Postage - recharged at cost to the Association</li></ul>

8.6. Requesters are encouraged to confirm the method and any special arrangements required for their data when they log their request (e.g. large font, braille). Where we are unable to meet a special request, we will contact the requester to discuss more suitable options. Special requests may result in an increased cost (depending on the additional services required to produce the information).

## 9. Complaints

9.1. Anyone who has made a request for information to the Association under the EIRs is entitled to request an internal review if they are unhappy with the way their request has been handled. A request for an internal review should be sent to [corporate@tollcross-ha.org.uk](mailto:corporate@tollcross-ha.org.uk).

9.2. Internal reviews will be carried out in line with our complaints policy and procedure (which can be found on our website). A request for review may be about:

- a decision not to give them some or all of the information
- how an exception has been applied
- how the request was handled (e.g. 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

9.3. We may ask the applicant for clarification of the grounds of their complaint if the grounds are not clear.

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

9.5. We will acknowledge the request and aim to respond within 20 working days of receipt. In a small number of cases, the response may take longer. In these circumstances, we will notify the requester, explain why more time is needed and give an estimate of the completion date.

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

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**10. Monitor and review**

- 10.1. We will regularly monitor and audit our policy and process to ensure compliance with legislation and best practice.
- 10.2. This policy will be reviewed every 24 months or when required to address any weakness in the procedure or changes in legislation or best practice.

## Appendix 1 – Equality Impact Assessment

<b>Policy</b>	Environmental Information Request Policy		
<b>EIA Completed by</b>	Corporate Services	<b>EIA Date</b>	
<b>1. Aims, objectives and purpose of the policy / proposal</b>			
The aim of this policy and procedure is to provide a clear framework for any individual or organisations requesting environmental information from us and how we will manage these requests.			
<b>2. Who is intended to benefit from the policy / proposal?</b>			
Anyone wishing to request environmental information from us.			
<b>3. What outcomes are wanted from this policy / proposal?</b>			
For our customers to better understand what they can expect from the Association and what their rights are in relation to EIRs.			
<b>4. Which protected characteristics could be affected by proposal?</b>	<input type="checkbox"/> Age	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Religion or belief
	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Marriage & civil partnership	<input type="checkbox"/> Sex
	<input type="checkbox"/> Race	<input type="checkbox"/> Pregnancy and maternity	<input type="checkbox"/> Sexual orientation
<b>5. If the policy / proposal is not relevant to any of the protected characteristics listed in part 4, state why and end the process here.</b>			
<b>6. Describe the likely impact(s) the policy / proposal could have on the groups identified in part 4</b>			
Requesters with disabilities may be negatively impacted by the standard presentation of data.			
<b>7. What actions are required to address the impacts arising from this assessment? (This might include; collecting data, putting monitoring in place, specific actions to mitigate negative impacts).</b>			
We have built into the policy an option to request more suitable formats to receive the data (e.g. large font for those with sight issues).			
<b>8. Consider the impact and actions to be considered for the following Human Right articles:</b>			
<b>Article 6: Right to a fair trial</b>			
Everyone should be given the opportunity to participate effectively in any hearing of their case and present their side.			
Impact: NA	Actions:		
<b>Article 8: Right to respect for private life, family life &amp; the home</b>			
Everyone has the right to access and live in their home without intrusion or interference.			
Impact: NA	Actions:		
<b>Article 14: Prohibition of discrimination</b>			
Everyone has equal access to the other rights contained in the Human Rights Act.			
Impact: NA	Actions:		