

Freedom of Information Request (FOI) 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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Możemy przetłumaczyć
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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 Freedom of Information (Scotland) Act 2002 (FOISA) and related legislation, including the Environmental Information Regulations (Scotland) Act 2004, the UK General Data Protection Regulation and the Data Protection Act 2018.
- 1.2. We will make every effort to promote greater openness and transparency and maximise public trust in our 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. FOISA enables anyone, anywhere in the world, to request any recorded information held by, or on behalf of, the Association.
- 2.2. 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.
- 2.3. It is important to note that FOI rights will only apply to information held by the Association in relation to the functions stated in section 4. 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

- 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 FOI requests they receive are dealt with in accordance with the FOISA 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 information covered by FOISA

- 4.1. 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

5. Request for information

- 5.1. All recorded information held by the Association falling within the functions above is subject to the requirements of 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.
- 5.2. 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.
- 5.3. 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.
- 5.4. 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.
- 5.5. 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 FOISA.
- 5.6. We will aim to acknowledge requests for information within five working days of receipt.
- 5.7. 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.

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 FOISA legislation.
- 6.2. The FOISA does not entitle requesters to be given all information held by the Association, the FOISA sets out exemptions from the right of access to information. They are:
- 6.2.1 Absolute exemptions – the right to information is completely over-ridden by the exemption.
 - 6.2.2 Non-absolute exemptions – where an exemption may be applied, but we 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.
- 6.3. Although there might be occasions when it is appropriate to rely on an exemption, provision of information is an integral part of our work. Therefore, we aim to disclose as much information as possible and rely on exemptions only in limited circumstances.
- 6.4. 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.
- 6.5. Other exemptions that we might apply to information being released are:
- Information otherwise accessible
 - Prohibitions on disclosure
 - Relations within the United Kingdom
 - National security and defence
 - International relations
 - Commercial interests & the economy
 - Law enforcement
 - Confidentiality
 - Court records, etc.
 - Health, safety and the environment
 - Audit functions
 - Information intended for future publication
 - Formulation of Scottish Administration policy etc.
 - Prejudice to effective conduct of public affairs
 - Investigations by Scottish public authorities and proceedings arising out of such investigations
 - Personal information (as defined in UK GDPR and DPA 2018)
 - Communications with His Majesty etc. and honours

7. Repeated and vexation requests

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

8. Charges for information

8.1. The FOISA allow public authorities to charge for making information available, but any charge must be reasonable. The ICO 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. When we receive a request, we will estimate the total cost of dealing with the request and issue a fee notice to the requester based on the following:

Less than £100	No fee will be charged
From £100 to £600	10% of total costs will be charged (up to a maximum of £500).
For any costs above £600	10% of total costs up to £600 will be charged plus any additional costs to be charged in full.

8.3. If we estimate the cost of dealing with the request to be over £100 the fee notice will be issued to the requester before processing the request for information and as soon as possible within the 20-working day deadline following receipt of the request.

8.4. Once we issue a fee notice, the 20-working day time limit for responding stops and will start again only when we receive payment. The fee notice will provide full details regarding how to make payments etc.

8.5. There are two broad types of costs which we will include as part of our estimated costs:

- **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.

8.6. The fee regulations allow us to charge for 'projected costs' which we estimate are likely to incur while locating, retrieving and providing the information. 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"> ▪ Paper copy - black and white - 10p per sheet ▪ Paper copy - colour - 20p per sheet ▪ USB device - £4.99 per memory stick required ▪ Postage - recharged at cost to the Association

8.7. Where employee costs are excessive, we reserve the right to refuse requests where the cost of providing the information would exceed the statutory cost limit (this limit is currently £600).

- 8.8. Where information is provided electronically, through email or data sharing, we aim to provide this information free of charge (where possible). We may need to charge in some circumstances where the employee costs are excessive for the request.
- 8.9. 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 FOISA 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.
- 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 FOISA. 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.

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

Policy	Freedom of Information Request Policy		
EIA Completed by	Corporate Services	EIA Date	
1. Aims, objectives and purpose of the policy / proposal			
The aim of this policy and procedure is to provide a clear framework for any individual or organisations requesting information from us and how we will manage these requests.			
2. Who is intended to benefit from the policy / proposal?			
Anyone wishing to request information from us.			
3. What outcomes are wanted from this policy / proposal?			
For our customers to better understand what they can expect from the Association and what their rights are in relation to FOISA.			
4. Which protected characteristics could be affected by proposal?	<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
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.			
6. Describe the likely impact(s) the policy / proposal could have on the groups identified in part 4			
Requesters with disabilities may be negatively impacted by the standard presentation of data.			
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).			
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).			
8. Consider the impact and actions to be considered for the following Human Right articles:			
Article 6: Right to a fair trial			
Everyone should be given the opportunity to participate effectively in any hearing of their case and present their side.			
Impact: NA		Actions:	
Article 8: Right to respect for private life, family life & the home			
Everyone has the right to access and live in their home without intrusion or interference.			
Impact: NA		Actions:	
Article 14: Prohibition of discrimination			
Everyone has equal access to the other rights contained in the Human Rights Act.			
Impact: NA		Actions:	