



## FREEDOM OF INFORMATION POLICY

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| <b>Reference</b>                  | CS-CC-04             |
| <b>Information Classification</b> | Public               |
| <b>Review Frequency</b>           | 3 years              |
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| <b>Next Review Due Date</b>       | March 2025           |
| <b>Applicable Committee(s)</b>    | Management Committee |
| <b>Owner - role</b>               | Compliance Advisor   |

| <b>Record of Updates/Changes</b> |                      |                    |                                       |
|----------------------------------|----------------------|--------------------|---------------------------------------|
| <b>Current Version</b>           | <b>Date Approved</b> | <b>Approved By</b> | <b>Changes</b>                        |
| V1                               | April 2022           |                    | Updated Compliance Advisor job title. |
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## 1. INTRODUCTION

The Freedom of Information (Scotland) Act 2002 (FOISA) gives the public a right of access to information held by Scottish public authorities. Registered Social Landlords and their subsidiaries are now designated as Scottish public authorities for freedom of information purposes.

Castlehill Housing Association (CHA) recognises its responsibility and is committed to promoting a culture of openness and transparency with the information it holds.

As well as responding to written requests for information, CHA publishes information proactively. CHA has a publication scheme, approved by the Information Commissioner and publishes information held by CHA which is covered by the scheme. CHA's publication scheme is available on the website under 'Freedom of Information'.

Not all information held by CHA can be released. CHA is unable to release information where one or more of the exemptions listed in the legislation apply.

This Policy also covers requests for information made under the Environmental Information (Scotland) Regulations 2004.

## 2. SCOPE

CHA's Freedom of Information Policy has been produced to ensure compliance with the provisions of FOISA.

This Freedom of information Policy applies to everyone working for, or on behalf of CHA, whether office/scheme based or working remotely. This includes:

- All members of staff including temporary, casual or agency staff
- Members of the Management Committee
- Partners, contractors and suppliers

## 3. ROLES AND RESPONSIBILITIES

CHA's Chief Executive and Senior Management Team have overall responsibility for this policy. This responsibility is delegated as outlined below.

The Corporate Services Subcommittee is responsible for:

- Reviewing Freedom of Information statistics provided at Subcommittee meetings

The Senior Management Team (SMT) are responsible for:

- Approving the release of responses to requests for information relating to information held by their department. (Where a response is that information requested is already available on CHA website, this does not require approval).
- Approving and notifying the Compliance Advisor of updates to publication scheme information held by their department.
- Investigating and responding to requests for internal review in accordance with section 7 of this Policy. Note that an internal review cannot be carried out by the same member of SMT who approved the initial response.

The Communications Officer will:

- Be made aware of requests for information by media companies and the press. Such requests will be processed according to the below noted process.

The Compliance Advisor is responsible for:

- Ensuring implementation of and compliance with this policy and FOISA
- Logging and tracking all FOI requests
- Acknowledging FOI requests within three working days of receipt
- Asking applicants for any clarification as soon as possible if a request is unclear
- Liaising with relevant CHA staff to determine whether CHA holds information requested and where it is held, obtaining the information
- Determining and recording whether any exemptions apply which prevent disclosure, including documenting public interest tests
- Confirming to the applicant whether CHA holds the information
- Issuing a fees notice (where applicable)
- Obtaining confirmation that fees have been paid (where applicable)
- Submitting draft responses to the relevant member of SMT for approval
- Responding to all requests within 20 working days following receipt of a valid request
- Informing the applicant if it is not possible to comply with this timescale and giving an indication of when the response is likely to be provided
- Where a request is refused, issuing a refusal notice setting out the section of FOISA being relied upon, explaining the reasons for the decision and outlining the complaints procedure
- Recording decisions in the FOI log
- Providing advice and assistance to those who propose to make, or have made, FOI requests
- Devising and maintaining standard documentation including response letters
- Development and maintenance of CHA's publication scheme
- Recording FOI statistics (e.g. the number of requests received and the number of times each exemption is applied) and quarterly reporting to the Scottish Information Commissioner
- Providing FOI statistics for each Corporate Services Subcommittee meeting

All staff are responsible for:

- Adhering to this policy
- Immediately forwarding (and date marking where hard copy) all initial written requests for information to the Compliance Advisor. Note there is no need for the applicant to specify that it is a request under FOISA or to explain their reasons for the request
- Asking applicants to put their request in writing (if a request is made verbally) to the Compliance Advisor
- Ensuring information requested is not changed, deleted or destroyed
- Contacting the Compliance Advisor for advice if unsure whether a request constitutes a request for information
- Complying with the process for responding to requests for Environmental Information set out at section 5 of this Policy.

## 4. FOI EXEMPTIONS

If information is exempt (as per the legislation), there is no right of access to it under FOISA.

Grounds for exemption include:

- Data Protection
- Vexatious requests
- Repeated requests
- Confidentiality
- Legal privilege
- If complying with the request is not allowed under law
- Information is already reasonably accessible
- Endangering health and safety
- If complying with the request would be likely to prejudice investigations, law enforcement, audit functions or the effective conduct of public affairs

There is also a point at which CHA can exempt a request due to excessive costs and staff time. The statutory cost limit is currently set at £600, which equates to 40 hours of work at a statutory rate of £15 per hour. Only staff costs spent on the following activities can be taken into account:

- Determining whether CHA holds the information requested
- Locating the information or documents containing the information
- Retrieving such information or documents and
- Extracting the information from the documents containing it (including editing or redacting information)

In all cases CHA will offer advice and assistance to the applicant to narrow the scope of their request and bring it within the appropriate limit, rather than opt to charge them for their request.

## 5. ENVIRONMENTAL INFORMATION

CHA is legally required to provide environmental information upon request. That is, information relating to the state of air, water, flora, fauna, health, soil or the state of any natural site or other land, or any activities which do (or may) adversely affect the environment. The Environmental Information (Scotland) Regulations provide general right of access to environmental information, subject to certain exemptions.

Requests for environmental information will be processed by CHA in the same way as FOI requests except that:

- Requests can be made verbally or in writing
- Where made verbally, staff receiving the request must record the name of the applicant, the date, the information required and an address for correspondence and contact details. This must then be forwarded to the Compliance Advisor.

## 6. PERSONAL INFORMATION

Requests made by an applicant to review their own personal information will not be disclosed under this Policy. All requests for personal information will be dealt with under the Data Protection Act 2018 and CHA's Data Protection Policy.

## 7. COMPLAINTS

Applicant requests for an internal review of the information disclosed or the decision taken not to disclose some/all of the information should be made in writing to the Compliance Advisor who will raise the internal review request with the Senior Management Team. Applicants can request an internal review within 40 working days from the date CHA issued (or should have issued) a response.

Internal reviews should be completed within 20 working days of the time the request for the review was received. In exceptional circumstances where the review is deemed complex, this may be extended to 40 days. The applicant should be informed of the timescale within which the review will be undertaken.

The applicant must be informed of the outcome of the review. Where the review overturns an original decision to withhold the information, the information should be disclosed to the applicant as soon as possible after the completion of the review.

Where the original decision is upheld, CHA is not obliged to undertake any further review. However the applicant must be informed of their right of appeal to the Information Commissioner. Full records of the progress of the review must be kept and any outcomes as a result of the review recorded. This will be subject to review and inspection by the Information Commissioner in any further investigations.

## 8. POLICY COMPLIANCE & AUDIT

Failure to observe the principles set out in the Policy may result in action under the Association's Disciplinary procedure.

Any user who does not understand the implications of this Policy or how it may apply to them, should seek advice from the CHA's Compliance Advisor.