



**Freedom of Information and Environmental Information Requests  
(Ref: G25)**

**Purpose of Policy:**  
The purpose of this Policy is to outline how Manor Estates Housing Association will comply with Freedom of Information Regulations.

| <b>Policy Monitoring Details</b>          |  |
|---|--|
| <b>Department</b>                         | All  |
| <b>Author</b>                             | Carolyn Hughes   |
| <b>Status</b>                             | Association  |
| <b>Date Board Approval</b>                | 28 August 2019   |
| <b>Update</b>                             |  |
| <b>Planned Review Date</b>                | Generally 5 years after approval   |
| <b>Regulatory Outcomes Being Achieved</b> | <p><b>Standard 1</b><br/>The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users</p> <p><b>Standard 2</b><br/>The RSL is open about and accountable for what it does.</p> <p><b>Standard 5</b><br/>The RSL conducts its affairs with honesty and integrity</p> |
| <b>Tenant Consultation Required</b>       | No   |
| <b>Equalities Impact Assessment</b>       | Initial/Full/Not Required  |

| <b>Content List</b> |                     |
|---------------------|---------------------|
| <b>1.</b>           | <b>Introduction</b> |
| <b>2.</b>           | <b>Aims</b>         |
| <b>3.</b>           | <b>Policy</b>       |

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| <b>1.</b> | <b>Introduction</b> |  |
|           | 1.1                 | The Association is already subject to the Environmental Information (Scotland) Regulations 2004. With effect from 11 November 2019, it will also be subject to the Freedom of Information (Scotland ) Act 2002 |

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|                                    | 1.2                   | This Policy sets out how the Association will manage requests for information under either piece of legislation.   |
|                                    | 1.3                   | This Policy takes account of guidance issued by the Scottish Information Commissioner and the Scottish Ministers' Code of Practice (Section 60).   |
| <b>2.</b>                          | <b>Aims of Policy</b> |  |
|                                    | 2.1                   | <p>The key aims of this Policy are to:</p> <ul style="list-style-type: none"> <li>▪ Set out the key requirements the Association is required to meet under the terms of the legislation;</li> <li>▪ Outline how the Association will meet these requirements; and</li> <li>▪ Clearly identify roles and responsibilities for managing and dealing with information requests.</li> </ul>  |
|                                    | 2.2                   | In addition, this Policy seeks to demonstrate that the Association will respond positively to requests for information.  |
| <b>3.</b>                          | <b>Policy</b>         |  |
|                                    | 3.1                   | <p>The Freedom of Information (FOI) legislation outlines 3 main duties that the Association must undertake:</p> <ul style="list-style-type: none"> <li>▪ Duty to respond to requests;</li> <li>▪ Duty to publish information; and</li> <li>▪ Duty to advise and assist.</li> </ul>   |
| <b>Duty to Respond to Requests</b> |                       |  |
|                                    | 3.2                   | The Association is required to respond promptly to requests for information and legally must do so within 20 working days.   |
|                                    | 3.3                   | <p>FOI requests must be made in a recordable format, i.e. by email, letter or audio file. In the case of the latter, a voicemail message must be able to be kept on file. All requests must include:</p> <ul style="list-style-type: none"> <li>▪ The requester's full name;</li> <li>▪ A means of responding to the requester in writing (email or postal address; and</li> <li>▪ A description of the information they seek.</li> </ul> <p>Environmental Information Requests (EIRs) can be made verbally (either by telephone or in person) in an unrecorded state.</p> |
|                                    | 3.4                   | Valid requests can also theoretically be made through social media. However, in order to be valid, they must include the details as outlined at 3.3 above.   |

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|                                    | 3.5  | Where the requester has provided insufficient information, regardless of the means by which the request has been made, the Association will contact them to advise what further detail is required and will be mindful of the Duty to Advise and Assist as outlined below when doing so.  |
|                                    | 3.6  | Where the Association needs clarification of information to be able to deal with a request, this will be sought as soon as possible after receiving the request. The statutory 20 working-day deadline for responding to the request will not start until clarification has then been received from the requester.  |
|                                    | 3.7  | It is a criminal offence for staff to delete, change or conceal information with the intention of preventing disclosure once a request has been received.   |
| <b>Duty to Publish Information</b> |      |   |
|                                    | 3.8  | The Association has adopted the Scottish Information Commissioner's <b>Model Publication Scheme</b> and is committed to making as much information as possible publicly available.  |
|                                    | 3.9  | The Association will also publish a <b>Guide to Information</b> which will detail all the information we publish, links to the relevant sections of the website and details of how else to access the information. The Guide will also include information about who to contact for advice and assistance in respect of FOI or EIR requests.  |
|                                    | 3.10 | The Guide will be updated as and when any information is changed and will also be subject to an annual review by the Chief Executive Officer to ensure that no changes have been missed.  |
| <b>Duty to Advise and Assist</b>   |      |   |
|                                    | 3.11 | The Association will provide appropriate advice and assistance to anyone seeking to make an FOI request.  |
|                                    | 3.12 | In order to demonstrate compliance with this duty, the Association will: <ul style="list-style-type: none"> <li>▪ Publicise a central point of contact for FOI requests and promote this on the website;</li> <li>▪ Ensure that all staff receive appropriate levels of training and have a general awareness of the legal requirements of FOI;</li> <li>▪ Ensure that roles and responsibilities for dealing with FOI are clearly defined and publicised (see Appendix 1);</li> <li>▪ Use clear language in all correspondence with requesters;</li> </ul> |

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|----------------------------|---|
|                            | <ul style="list-style-type: none"> <li>▪ Take account of the specific needs of the requester, for example providing information in appropriate formats or languages;</li> <li>▪ Offer additional or contextual information when responding to FOI requests where this will make the information clearer.</li> </ul> <p>This list is not exhaustive and all staff will be committed to offering advice and assistance as appropriate and tailored to the needs of the requester.</p>   |
| 3.13                       | <p>If it is unclear what information the requester wants, the Association should obtain clarification by performing its duty to provide reasonable advice and assistance. This could include:</p> <ul style="list-style-type: none"> <li>▪ Providing an outline of the different kinds of information which might meet the terms of the request;</li> <li>▪ Providing a general response to the request setting out options for further information which could be provided on request;</li> <li>▪ Contacting the requester to discuss what information they want.</li> </ul> |
| <b>Refusal of Requests</b> |   |
| 3.14                       | Requests can only be refused if an FOI exemption or EIR exception applies. These are listed in Appendix 2.  |
| 3.15                       | If exemptions or exceptions apply but it can be demonstrated that it is in the public interest to do so, then the information can still be released.  |
| <b>Right of Appeal</b>     |   |
| 3.16                       | If a requester is unhappy with the response to their FOI request, they can ask for a review of the response. The Association has 20 working days to respond to the request for a review. Wherever possible, the Association will seek to ensure that the review is carried out by someone other than who prepared the original response.  |
| 3.17                       | If a requester is unhappy with the review, they can submit an appeal to the Information Commissioner.   |
| <b>Procedures</b>          |   |
| 3.18                       | <p>The Association will develop procedures to support this Policy that will:</p> <ul style="list-style-type: none"> <li>▪ Enable FOI requests to be identified easily and referred quickly to the correct person for response.</li> </ul>   |

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|  |                  | <ul style="list-style-type: none"> <li>▪ Put in place effective timelines to ensure it meets response timescales;</li> <li>▪ Ensure the records management system supports fast identification of requested information;</li> <li>▪ Ensure that requests can be dealt with at an appropriate level.</li> </ul>   |
|  | <b>Fees</b>      |  |
|  | 3.19             | The Association is entitled to charge fees for dealing with FOI requests, however there are strict rules governing what can and cannot be charged.   |
|  | 3.20             | The Association will not initially charge for dealing with FOI requests, however it reserves the right to review this decision, should it transpire that cost to the Association are proving to be considerable.   |
|  | <b>Reporting</b> |  |
|  | 3.21             | <p>The Chief Executive/Neighbourhood Services Director will report quarterly to the Board on:</p> <ul style="list-style-type: none"> <li>▪ The number of FOI and EIR requests received;</li> <li>▪ The number answered within statutory timescales;</li> <li>▪ The length of time taken to respond to overdue requests;</li> <li>▪ The number of requests refused and the reasons for refusals;</li> <li>▪ The number of requests for reviews received and the outcome of these;</li> <li>▪ The number of appeals submitted to the Scottish Information Commissioner and the outcome of these; and</li> <li>▪ Any emerging issues that may necessitate consideration of a change to policy.</li> </ul> |
|  | 3.22             | The Chief Executive/Neighbourhood Services Director will submit the required quarterly returns to the Scottish Information Commissioner.   |

Roles and Responsibilities<sup>1</sup>

| Staff Role                                 | Responsibilities  |
|--|---|
| Chief Executive and Senior Management Team | Strategic approach to FOI, ensuring policies and procedures are compliant with legislation                              |
|  | Ensure that all staff receive appropriate training relevant to their individual roles                                   |
| CEO  | Annual review of Guide to Information   |
| CEO / Neighbourhood Services Director      | Recording, monitoring and reporting of FOI requests   |
|  | Quarterly Board report  |
|  | Quarterly return to Scottish Information Commissioner   |
| Team Seniors                               | Preparation of draft responses to FOI requests, to be authorised by a Director  |
| All staff                                  | Recognition of FOI requests and awareness of how these should be referred   |
| All staff                                  | Awareness of the requirement to provide advice and assistance to anyone seeking to make an FOI request and how to do so |

<sup>1</sup> These are considered appropriate for initial implementation of FOI and may be revised at a later date  
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## FOI Exemptions from Disclosure

### Absolute Exemptions

(Do not have to consider public interest)

| Section | Exemption   |
|---------|---|
| 25      | Information is otherwise accessible, for example, from another Scottish public authority. |
| 26      | Prohibitions on disclosure, where disclosure is prohibited by law.                        |
| 37      | Court records   |
| 38      | Personal Information  |

### Non-absolute Exemptions

(Have to consider public interest)

| Section | Exemption  |
|---------|--|
| 27      | The Association intends to publish the information within 12 weeks of the date of the request and it is reasonable not to give access pending publication. |
| 28      | Relations within the United Kingdom  |
| 29      | Formulation of Scottish administration policy  |
| 30      | Prejudice to effective control of public affairs   |
| 31      | Safeguarding national security   |
| 32      | International relations  |
| 33      | Commercial interests and the economy   |
| 34      | Investigations by Scottish public authorities  |
| 35      | Law enforcement  |
| 36      | Confidentiality  |
| 39      | Health Safety and the Environment  |
| 40      | Audit functions  |
| 41      | Communications with the Queen  |

More detailed information on each of the exemptions is available on the Scottish Information Commissioner's website

<http://www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/Briefings.aspx>