Kingsridge Cleddans

HOUSING ASSOCIATION LIMITED

Name of Policy	**Freedom of Information and Environmental Information**
Responsible Officer	**Director**
Date approved by Board	**27 June 2024**
Date of next Review	**June 2027**
Section	**Corporate Services**

Contents.

Section		Page
1.	Introduction	3
2.	Statement	3
3.	Responsibilities	4
4.	Publication Scheme	8
5.	Requests for Information	8
6.	Charges for Information	9
7.	Statistics	10
8.	Exemptions	10
9.	Complaints	11

Introduction

The Freedom of Information (Scotland) Act 2002 ("FOISA") and the Environmental Information (Scotland) Regulations 2004 ("EIR") place a general obligation on Scottish Public Authorities to allow the public access to information that they hold. Both FOISA and EIR are overseen by the Scottish Information Commissioner ("SIC").

From 11 November 2019 Kingsridge Cleddans Housing Association Ltd. has been designated as Scottish Public Authority and will need to make information available in accordance with FOISA and EIR.

The policy will:

- provide a general understanding of FOISA and EIR; and
- outline where responsibility lies for complying with the legal duties of Kingsridge Cleddans Housing Association under FOISA and EIR

Policy Statement

Kingsridge Cleddans Housing Association. is committed to the underlying principles of openness and transparency underpinning FOISA and EIR and complying fully with the requirements of said legislation. To this end Kingsridge Cleddans Housing Association will:

- follow the relevant Scottish Ministers Codes of Practice relating to FOISA and EIR, as well as any relevant guidance issued by SIC;
- take into account the needs of individuals when presenting information under FOISA and EIR;
- make all employees aware of their responsibilities under FOISA and EIR and support them in fulfilling those responsibilities.
- publish a wide range of information through our Publication Scheme;
- monitor compliance with FOISA and EIR with a view to continuous improvement;
- respect data protection in accordance with the UK GDPR and Data Protection Act 2018 when complying with FOISA and EIR;
- only withhold information where entitled to do so under FOISA and EIR and explain why information is withheld; and
- provide advice and assistance to individuals seeking to access information

Responsibilities

- **The Director** has lead management responsibility for FOISA and EIR within Kingsridge Cleddans Housing Association. This will include effective implementation and regular review of this Policy.
- All employees are responsible for:
    - familiarising themselves with this policy;
    - forwarding information requests received to the Director as quickly as possible. If you are unsure how to recognise an information request, you should seek guidance from the Director;
    - seeking guidance from the Director if they are unsure about any of the duties placed on Kingsridge Cleddans Housing Association by FOISA or EIR;
- Employees should be aware that where an information request is received, and an employee deletes or alters information held by Kingsridge Cleddans Housing Association with the intention of preventing disclosure of that information a criminal offence has been committed. Where employees are unsure if deletion or alteration of information may result in an offence, they should seek guidance from the Director.
- Compliance with this policy is compulsory for all employees of Kingsridge Cleddans Housing Association. Any employee who fails to comply with this policy could be subject to disciplinary action.

Scope of the Policy

This policy applies to any information held by Kingsridge Cleddans Housing Association which relates to one or more of the functions set out below, regardless of format. This will include information created internally and information received from third parties. It will also relate to information which is held on behalf of Kingsridge Cleddans Housing Association.

This policy applies to all Kingsridge Cleddans Housing Association employees.

Legal Duties

Kingsridge Cleddans Housing Association has a number of legal duties which it must comply with under FOISA and EIR.

Responding to Information Requests

People have the right to request information from Kingsridge Cleddans Housing Association. Where the information requested is within the scope of the Order and Kingsridge Cleddans Housing Association holds that information it must release the information unless an exemption (under FOISA), or an exception (under EIR) applies. Kingsridge Cleddans Housing Association shall, when responding to requests for

information from individuals, follow the Section 60 Code of Practice and any relevant guidance produced by SIC.

Kingsridge Cleddans Housing Association. will aim to respond to information requests promptly and within timescales.

Responding to Requests for Review

Where someone has requested information from Kingsridge Cleddans Housing Association. and:

- Kingsridge Cleddans Housing Association has failed to respond to the request within the 20-working day deadline (or extended deadline in respect of certain requests made under EIR); or
- the person requesting the information is unhappy with the response to the request (for example where information has been withheld under one of the exemptions or exceptions available under FOISA/EIR)

then they have the right to request that Kingsridge Cleddans Housing Association reviews the response to their request to determine whether or not the provisions of FOISA or EIR have been followed.

Where Kingsridge Cleddans Housing Association. performs a review and determines that a response to a request is not in accordance with FOISA or EIR Kingsridge Cleddans Housing Association will take immediate steps to rectify this (which could, for example, include releasing information which was previously withheld).

Where Kingsridge Cleddans Housing Association. performs a review and determines that a response to a request is in accordance with FOISA or EIR then Kingsridge Cleddans Housing Association will notify the individual who asked for a review as quickly as possible.

In any event Kingsridge Cleddans Housing Association will handle all requests for review in accordance with the timescales set out in FOISA and EIR.

Where an individual is unhappy with the response to their review request, they may appeal to SIC. If an appeal is made by SIC and a decision handed down by them both Kingsridge Cleddans Housing Association and the individual in question have a right to appeal to the courts on a point of law.

Provision of Advice and Assistance to Individuals

Kingsridge Cleddans Housing Association must provide individuals seeking to access information with advice and assistance. This advice and assistance will be provided with a view to ensuring that all barriers which may potentially prevent an individual from accessing information are removed. Kingsridge Cleddans Housing Association will comply

with this duty by following the guidance contained in the Section 60 Code of Practice issued by Scottish Ministers.

Publication of Information

Kingsridge Cleddans Housing Association. shall publish information in accordance with its Publication Scheme

Data Protection

Kingsridge Cleddans Housing Association is committed to upholding its data protection obligations set out in the UK GDPR and the Data Protection Act 2018.

Contents

1. Policy 7
2. Scope 7
3. Responsibilities 8
4. Publication Scheme 8
5. Requests for Information 8
6. Charges for information 9
7. Statistics 10
8. Exemptions 10
   8.1 Vexatious requests 11
   8.2 Repeated requests 11
   8.3 Cost Limit is Exceeded 11
   8.4 Other Exemptions 11
9. Complaints 11

1. Policy

Kingsridge Cleddans 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 UK 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 Kingsridge Cleddans 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, Kingsridge Cleddans 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 Kingsridge Cleddans Housing Association to foi@kc-ha.com 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 Paul Immelman at the addresses given in section 6 below.

Kingsridge Cleddans Housing Association board have overall responsibility for this policy. The Board are responsible for ensuring implementation and compliance with this policy.

4. Publication Scheme

Kingsridge Cleddans Housing Association has adopted the Scottish Information Commissioner's Model Publication Scheme.

The Scheme sets out what information Kingsridge Cleddans 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: https://kc-ha.com/freedom-of-information/

5. Requests for Information

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

All recorded information held by Kingsridge Cleddans 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 Kingsridge Cleddans 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, Kingsridge Cleddans Housing Association will inform the applicant of this. In exceptional cases Kingsridge Cleddans 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, Kingsridge Cleddans Housing Association will ask for clarification as soon as possible to enable us to proceed with considering the request. Kingsridge Cleddans Housing Association will provide advice and assistance to help people make requests under the FOISA. We will aim to acknowledge requests for information within five working days of receipt. Kingsridge Cleddans 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 be provided in the format requested and will be free of charge where possible. Kingsridge Cleddans Housing Association may need to charge in some circumstances, for example where the costs are significant. In such cases Kingsridge Cleddans Housing Association will notify the applicant in advance.

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.

7. Statistics

Kingsridge Cleddans 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 UK 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 Kingsridge Cleddans 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 Kingsridge Cleddans 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 Kingsridge Cleddans 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

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

8.3 Cost Limit is Exceeded

Kingsridge Cleddans Housing Association may refuse requests where the cost of providing the information would exceed the statutory cost limit. All fees will be set in accordance with the Fees Regulations.

8.4 Other Exemptions

There are other exemptions that Kingsridge Cleddans Housing Association might apply and these are set out in the legislation.

9. Complaints

Anyone who has made a request for information to Kingsridge Cleddans Housing Association under the FOISA is entitled to request an internal review if they are unhappy with the way their request has been handled. This request will be addressed in line with our Complaints Policy.

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