



Dunbritton Housing Association Limited

Name of Procedure	Environmental Information Regulations Procedure
Responsible Officer	Data Protection Officer
Date approved by Board	Not required
Date of next Review	July 2026
Section	Corporate Services
Reference	EIR Procedure

We can produce information, on request, in large print, Braille, tape and on disc. It is also available in other languages. If you need information on any of these formats please contact us on 01389 761 486

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1. Introduction

- 1.1 Following the decision made in 2014 by the Scottish Information Commissioner, housing associations are considered as public bodies for the purpose of the Environmental Information (Scotland) Regulations 2004 (EIR).

2. Definition of Environmental Information

- 2.1 The regulations apply a broad definition of what is considered environmental information, this includes written, visual and electronic material stored by the Association.
- 2.2 To be considered environmental information the material must be regarding:
 - The environment, such as air, water, soil, or land.
 - Substances, such as energy, noise, emissions or waste.
 - Contamination or other environmental factors impacting on human health or safety.
 - Any economic analysis or report used in policy or programmes referring to the environment or substances.
- 2.3 Any information referring to personal information of the requester shall be dealt with under the provisions of the General Data Protection Regulation (GDPR).
- 2.4 Any request for information found to be out with the remit of EIR and GDPR, may be addressed through a freedom of information request, as detailed in the Freedom of Information (Scotland) Act.
- 2.5 If there is any doubt over which legislation a request for information should be considered under, this should be checked with the Data Protection Officer (DPO) or the Corporate Services Manager (CSM).

3. Receiving a Request for Environmental Information

- 3.1 An EIR request can be made verbally, by e-mail, or in writing.
- 3.2 The request may be made by anybody. Unlike GDPR and FOI, there is no requirement that the request must be from an individual.
- 3.3 Where a request is not clear or too general to progress, then the Association shall ask for clarity and support and assist with this request.
- 3.4 If the party making the EIR request is unable or unwilling to provide a clear request, they shall be advised that this may result in the request being refused.
- 3.5 All EIR requests shall be passed to the DPO, who shall work with the relevant manager to collate the information. If the DPO is not available, the request will be passed to the Corporate Services Officer or the Chief Executive Officer.

4. Response Timescales

- 4.1 All EIR requests must be addressed within twenty working days. This includes responses and refusals to provide a response.
- 4.2 Where clarification is required with a request, the timescale shall commence once this clarity is provided.
- 4.3 Should a response be complex and require an extension, an extension may be required for up to a maximum of forty working days. This shall be made on the agreement of the CSM.

5. Publication of Response

- 5.1 Where the Association responds to an EIR request, either in full or partially, we shall also electronically publish this information. This shall be done via our website in a manner that ensures the information is in the public domain.
- 5.2 A record shall be retained by the DPO inclusive of the request, the organisation's response, and details of the publication of the data.

6. Right of Review

- 6.1 All responses shall detail that if the party making the request is unhappy with the response provided by the Association, they may request a review.
- 6.2 Any requests for review shall be passed to the DPO.
- 6.3 The DPO shall record the request for a review and ensure that this request is acknowledged, in writing, within three working days.
- 6.4 Any request for review shall be addressed by the CEO. The DPO shall provide them with the file detailing the original request, but shall play no part in the decision making of the review.
- 6.5 The CEO shall consider the review and respond within forty working days. Should the review result in any changes to the published material, this information shall also be published.
- 6.6 The review shall detail in its response that if the party remains dissatisfied they may appeal to the Scottish Information Commissioner (SIC), and they shall be provided with the details for contacting the SIC.

7. Charges for Providing Information

- 7.1 The Environmental Information Regulation 8 gives a public authority the discretion to charge a reasonable fee for making environmental information available.
- 7.2 Any fee charged must not exceed the cost of producing the requested information. The charge may include costs in staff time in producing the information. There is no upper or lower limit set in legislation with regards to charging, however, consideration should be given to the level of work required to provide the data and the Association should ensure this is not excessive.

7.3 No fee may be charged where the Association does not have the information.

7.4 All fees shall be charged through invoice.

8. Repeat and Vexatious Requests

8.1 Where a request has been refused or where the information has already been published and is in the public domain, there is no requirement that the Association progress an EIR request. In such circumstances, the DPO shall contact the party making the request and advise them off this.

8.2 Where a request is suspected of being vexatious, the DPO shall raise this with the CEO and this shall be considered in line with DHA's Complaints and Unacceptable Actions policy.

9. Equality and Diversity

9.1 As a service provider and employer we recognise the requirements of the Equality Act 2010, oppose any form of discrimination and will treat all customers, internal and external, with dignity and respect. We recognise diversity and will ensure that all of our actions ensure accessibility and reduce barriers to employment and the services we provide.