



## Dunbritton Housing Association Limited

<b>Name of Procedure</b>	Freedom of Information Procedure
<b>Responsible Officer</b>	Data Protection Officer
<b>Date approved by Board</b>	Not required
<b>Date of next Review</b>	July 2025
<b>Section</b>	Corporate Services
<b>Reference</b>	FOI 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 The Freedom of Information (Scotland) Act 2002 (The Act) sets out the responsibility for organisations to manage and supply data.
- 1.2 The Act should be considered alongside the General Data Protection Regulation (GDPR) and Environmental Information Regulations (EIR).
- 1.3 The Act becomes applicable to Housing Associations on 11 November 2019, as detailed in the (Designation of Persons as Scottish Public Authorities) Order 2019.
- 1.4 Dunbritton Housing Association (DHA) is committed to the underlying principles of openness and transparency underpinning the Act. We shall follow all relevant codes of practice and guidance.
- 1.5 Compliance with the legislation shall be monitored by the Corporate Services Manager and the Data Protection Officer.

## **2. Duties Under the Act**

- 2.1 The Act provides three main responsibilities:
  - To publish information.
  - To advise and assist with the making of freedom of information requests.
  - To respond to freedom of information requests.
- 2.2 Any individual may make a request under the Act.
- 2.3 Any information referring to the personal information of the requester shall be dealt with under the provisions of the General Data Protection Regulation (GDPR).
- 2.4 Any information referring to environmental data shall be dealt with under the EIR.
- 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.

## **3. Publishing Information**

- 3.1 DHA have a Publication Scheme in place. We publish to our Website, as well as providing data in our Newsletters, Annual Report, Tenants Report, and Business Plan.
- 3.2 DHA publish details including advice for applicants, tenants, and minutes of board meetings.
- 3.3 DHA shall act proactively in the publication of material; this shall reduce the number of Freedom of Information requests.

- 3.4 Consideration as to what material shall be published, shall be made by the Corporate Services Manager (CSM) and Data Protection Officer (DPO) and in line with our publication scheme.

#### **4. Freedom of Information Requests**

- 4.1 We have a duty to assist anyone who proposes to make a Freedom of Information request. This shall be done through speaking with the applicant, assisting them in identifying the information they are seeking, and in assisting them with putting the request in writing (this includes e-mail and social media message). Where necessary a translation service may be provided.
- 4.2 We shall address all Freedom of Information requests within twenty working days (provided that the request clearly details the correct information sought and that any fees, if required, are paid).
- 4.3 All Freedom of Information requests shall be given to the DPO on the day that they are received.
- 4.4 In the absence of the DPO, the request shall be provided to the CSM, the Corporate Services Officer, or the Chief Executive Officer.
- 4.5 In line with guidance, DHA favour disclosure wherever possible. On receiving a request we shall first consider if the information is already published. We shall then consider if the information is subject to either the EIR or GDPR. Finally, we shall consider if there are any exemptions under the Act. Should there be an exemption, consideration shall be given to whether the Public Interest overrides that exemption.
- 4.6 Where the information may be supplied, the DPO shall contact the enquirer and detail any costs, and then work with all relevant line managers to supply the information.
- 4.7 The DPO shall ensure that the Management Team are aware of information that is being supplied and shall highlight any potential risks that may arise following the supply of this information.
- 4.8 Where the publication of information may impact or may relate to information sensitive to a third party, particularly a supplier or contractor, we shall contact that third party prior to the release and inform them of our intention to release the information.
- 4.9 Where DHA decides that the information is exempt and should not be shared, the DPO shall create a file detailing the reasons for this, including the relevant exemption as listed in the Act. This shall be retained in case of appeal or audit for a period of no less than two years.
- 4.10 Where the requested information relates to information pertaining to the Multi-Agency Public Protection Agreements (MAPPA), the DHA MAPPA contact officer shall inform the relevant partners of this request prior to the release of any information.

4.11 Where DHA does not hold the information but are aware of another Scottish Public Authority who may hold this information, they shall advise the applicant of this.

4.12 The DPO shall submit a report to the Management Board detailing all FOI activity as and when required.

## **5. Appeals**

5.1 Where a Freedom of Information request is refused, or where the applicant is unhappy with the response, they shall be advised of their right to appeal. The appeal shall be considered by the Chief Executive Officer.

5.2 If an applicant is dissatisfied with the response from DHA and has exhausted the appeal process, they can take their complaint to the Scottish Information Commissioner.

## **6. Charges for Providing Information**

6.1 The Freedom of Information Act allows for the charging of the costs of supplying the information, any charges shall be made in accordance with the most recent guidance from the Scottish Information Commissioner.

6.2 DHA shall not charge for supplying the information in a specific format, where this format is considered a reasonable adjustment in accordance with the 2010 Equalities Act.

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

6.4 All fees shall be charged through invoice.

## **7. Repeat Requests**

7.1 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 FOI request. In such circumstances, the DPO shall contact the party making the request and advise them off this.

7.2 Where the DPO considers the request to be vexatious in that it provides either: a significant burden, no purpose, or is designed to cause disruption, the DPO shall raise their concerns with the Chief Executive Officer. This may then be addressed through DHA's Complaints and Unacceptable Actions Policy. A file shall be retained as per 4.8 above.

## **8. Equality and Diversity**

8.1 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.