CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy:	Freedom of Information and Environmental Information Policy
Date:	28 October 2026
Lead Officer:	Chief Executive
Review Date:	October 2029

Regulatory Standard	**Standard 2:**
	The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

Regulatory Guidance:

2.1 The RSL gives tenants, service users and other stakeholders information that meets their needs about the RSL, its services, its performance and its future plans.

2.2 The governing body recognises it is accountable to its tenants, and has a wider public accountability to the taxpayer as a recipient of public funds, and actively manages its accountabilities.

2.3 The governing body is open and transparent about what it does, publishes information about its activities and, wherever possible, agrees to requests for information about the work of the governing body and the RSL.

Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages.

HAPPY TO TRANSLATE

CONTENTS

1. Introduction 3

2. Policy Statement 3

3. Responsibilities 3

4. Scope of the Policy 5

5. Background 5

5.1 Why is CHA subject to FOISA and EIR? 5

5.2 What is subject to FOISA and EIR? 5

5.3 What is the difference between FOISA and EIR? 5

6. Legal Duties 6

6.1 Responding to Information Requests 6

6.2 Responding to Requests for Review 7

6.3 Provision of Advice and Assistance to Individuals 7

6.4 Publication of Information 7

6.5 Data Protection 7

7. Charges 8

8. Policy Review 9

1. Introduction

1.1 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").

1.2 From 11 November 2019 Clydesdale Housing Association (CHA) has been designated as Scottish Public Authority and is required to make information available in accordance with FOISA and EIR.

1.3 This is the Freedom of Information and Environmental Information Policy of CHA. The policy will:

- provide a general understanding of FOISA and EIR; and
- outline where responsibility lies for complying with the legal duties of CHA under FOISA and EIR.

2. Policy Statement

2.1 CHA is committed to the underlying principles of openness and transparency underpinning FOISA and EIR and complying fully with the requirements of this legislation. To this end CHA 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 CHA's Guide to Information (GTI);
- monitor compliance with FOISA and EIR with a view to continuous improvement;
- respect data protection in accordance with the 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.

3. Responsibilities

3.1 The Chief Executive has lead management responsibility for FOISA and EIR within CHA. This will include effective implementation and regular review of this Policy.

3.2 The Chief Executive is responsible for:

- Ensuring organisational compliance with FOISA and the EIRs;
- Maintaining this policy;
- Promoting FOI and EIR awareness throughout the organisation;
- Ensuring the general public has access to information about their rights under FOISA and the EIRs;
- Reporting on FOI and EIR issues to the CHA Management Committee;
- Assisting with investigations into complaints and appeals.

3.3 The CHA Management Team will be responsible for:

- Responding to requests under FOISA and EIR within the relevant timescales;
- Taking decisions on contentious FOI and EIR matters (e.g. exemptions and vexatious requests);
- Collating information for sending out to requesters;
- Making information available in accordance with our publication scheme;
- Dealing with requests for review.

3.4 The Corporate Services Officer will be responsible for:

- Forwarding information requests to the relevant staff members in order to gather information relating to individual requests;
- Maintaining CHA's register of information requests;
- Maintaining the GTI to ensure that it is up to date and that hyperlinks continue to work;
- Ensuring that an up to date version of the GTI is displayed on the CHA website
- Compiling and submitting CHA's returns to the SIC.

3.5 All employees are responsible for:

- Familiarising themselves with this policy;
- Identifying and forwarding information requests received to the Corporate Services Officer as quickly as possible;
- Seeking advice from the Chief Executive if they are unsure about how to recognise an information request;
- Seeking guidance from the Chief Executive if they are unsure about any of the duties placed on CHA by FOISA or EIR;
- Providing information requested by the Chief Executive or members of the Management Team to allow a request for information to be processed.

3.6 Employees should be aware that where an information request is received and an employee deletes or alters information held by CHA with the intention of preventing disclosure of that information, a criminal offence is committed. Where employees are unsure if deletion or alteration of information may result in an offence they should seek guidance from the Chief Executive.

3.7 Compliance with this policy is compulsory for all employees of CHA. Any employee who fails to comply with this policy may be subject to disciplinary action.

4. Scope of the Policy

4.1 This policy applies to any information held by CHA 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 CHA.

4.2 FOISA requires CHA to produce and maintain a publication scheme. This must detail all of the key information that CHA publishes and how the general public can access it. CHA has adopted the SIC's Model Publication Scheme and presented it though CHA's Guide to Information which has been approved by the SIC. CHA's GTI contains links to where all published information is listed online. The GTI is available on the CHA website and can be made available in hard copy on request.

4.3 This policy applies to all CHA employees.

5. Background

5.1 Why is CHA subject to FOISA and EIR?

5.1.1 CHA is subject to both FOISA and EIR by virtue of the: Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019 (the "Order").

5.1.2 The Order came into effect on 11 November 2019 and brought all Registered Social Landlords ("RSLs") and certain RSL subsidiaries under the scope of FOISA and the EIR.

5.2 What is subject to FOISA and EIR?

5.2.1 However, in accordance with the terms of the Order, not everything that CHA does is subject to FOISA and EIR. Instead, CHA is only subject to these regimes in respect of certain functions, namely 'housing services' (as defined in s.165 of the Housing (Scotland) Act 2010) which CHA carries out – subject to some restrictions. Looking at the definition of 'housing services' and the restrictions which are set out in the Order the following functions carried out by CHA are covered by FOISA and EIR:

- the prevention and alleviation of homelessness;
- the management of social housing accommodation;
- the supply of information to the Scottish Housing Regulator (SHR) by CHA in relation to its financial wellbeing and standards of governance.

5.3 What is the difference between FOISA and EIR?

5.3.1 EIR provides a right of access to 'Environmental Information' held by CHA. Environmental Information has a very wide definition which is set out in

Regulations. Where a request under FOISA is received for Environmental Information it should be processed in accordance with EIR.

5.3.2 Whilst the obligations under FOISA and EIR are similar – there are some key differences that employees must be aware of when dealing with requests for information. Further guidance on the differences are available on SIC's website.

6. Legal Duties

6.1 Responding to Information Requests

6.1.1 People have the right to request information from CHA. Where the information requested is within the scope of the Order and CHA holds that information it must release the information unless an exemption (under FOISA) or an exception (under EIR) applies. CHA shall, when responding to requests for information from individuals, follow the Section 60 Code of Practice and any relevant guidance produced by SIC.

6.1.2 Information requests should be made in writing (or in another recordable format) and should include:

- The requester's full name and address for correspondence (e.g. a postal or email address;
- A description of the information they are requesting.

6.1.3 Information requests should be made to the Chief Executive, Clydesdale Housing Association, 39 North Vennel, Lanark, ML11 7PT or by email to mail@clydesdale-housing.org.uk

6.1.4 CHA will aim to respond to information requests promptly, and in any event within 20 working days of receiving the request (except in some circumstances under EIR where CHA is entitled to extend the timescale for responding by an additional 20 working days).

6.1.5 Where CHA is providing an individual with the information they have requested they will, in so for as is reasonable to do so, provide information in the format that the individual has requested and will adhere to any duties under the Equality Act 2010. Where CHA is refusing to provide information to individuals it will clearly explain to said individual what provision in FOISA or EIR allows CHA to withhold that information and why CHA believes that provision applies (including, where required, an explanation of how CHA has carried out the Public Interest Test).

6.1.6 Where CHA is asked to provide information which it does not hold, but CHA knows that another Scottish Public Authority does hold the requested information, CHA shall provide contact details of said Authority to the individual requesting the information and explain that the individual may wish to request the information from that Scottish Public Authority. Where a request is being handled under EIR and these circumstances apply CHA shall offer to transfer the individual's request to the other Scottish Public Authority.

6.2 Responding to Requests for Review

6.2.1 Where someone has requested information from CHA, and:

- CHA 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);

they have the right to request that CHA reviews the response to their request to determine whether or not the provisions of FOISA or EIR have been followed.

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

6.2.3 Where CHA performs a review and determines that a response to a request is in accordance with FOISA or EIR, CHA will notify the individual who asked for a review as quickly as possible.

6.2.4 CHA will handle all requests for review in accordance with the timescales set out in FOISA and EIR.

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

6.3 Provision of Advice and Assistance to Individuals

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

6.4 Publication of Information

6.4.1 CHA shall publish information in accordance with its Publication Scheme through its Guide to Information. The Guide to Information of CHA will be available on its website and a paper format will also be available on request.

6.5 Data Protection

6.5.1 CHA is committed to upholding its data protection obligations set out in the GDPR and the Data Protection Act 2018.

6.5.2 Under data protection laws, individuals have the right to request access to all of the information that CHA holds about them. This and other rights that

individuals have under data protection are not covered by this policy and CHA's Privacy Policy should be referred to when dealing with these rights.

7. Charges

7.1 Where CHA decides to apply charges for requests being handled under FOISA, charges will be structured in accordance with the Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004. More specifically:

- There will be no charge for information requests which cost CHA £100 or less to process.
- Where information costs between £100 and £600 to provide, requesters may be asked to pay 10% of the cost. That is, for information that would cost CHA £600 to provide, the requester would be asked to pay £50 calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.
- CHA is not obliged to respond to requests which will cost CHA over £600 to process.
- In calculating any fee, staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.
- CHA will not charge for the time to determine whether it holds the information requested, nor for the time it takes to decide whether the information can be released. However, charges may be made for locating, retrieving and providing information.
- In the event that CHA decides to impose a charge, CHA will issue the requester with notification of the charge (a fees notice) and how it has been calculated. The requester will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided by CHA on payment of the charge. If the requester decides not to proceed with the request there will be no charge made.

7.2 Charges applied by CHA for requests being handled under EIR will be applied slightly differently than those handled under FOISA. More specifically:

- CHA will not charge for the time to determine whether CHA holds the environmental information requested or deciding whether the information can be released. Charges may be made for locating, retrieving and providing information to you e.g. photocopying and postage.
- If CHA decides to impose a charge, CHA will issue the requester with notification of the charge and how it has been calculated. The information will be provided by CHA on payment of the charge.

- If the requester decides not to proceed with the request there will be no charge. Charges are calculated based on the actual cost to CHA of providing the information:
    - Photocopying is charged at 10p per A4 sheet for black and white copying, 20p per A4 sheet for colour copying.
    - Postage is charged at actual rate for Royal Mail First Class.
    - Staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.
- The first £100 worth of information will be provided to without charge.
- Where information costs between £100 and £600 to provide, the requester will be asked to pay 10% of the cost. That is, if the information costs CHA £600 to provide, a charge of £50 would be applied, calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.
- Where it would cost CHA more than £600 to provide the information, however, the full cost of providing the information would be required - with no waiver for any portion of the cost.

7.3 The cost of providing copies of information CHA already publishes online is available in the Schedule of Charges contained in CHA's Guide to Information.

7.4 Any fee charged by CHA will be reasonable and will not exceed the costs of providing requested information.

8. Policy Review

8.1 This policy will be routinely reviewed every 3 years. Earlier review will proceed if legislative, regulatory or performance requirements make this necessary.

Date Adopted by Management Committee:		
Chairperson	Signed	Printed
Staff Member	Signed	Printed
Next Review date	October 2029	