Freedom of Information Policy
(Ref: G25)

Purpose of Policy:
The purpose of this Policy is to outline how Manor Estates Housing Association will comply with Freedom of Information (Scotland) Act 2002

Policy Monitoring Details	
Department	All
Author	DPO (RGDP LLP)
Status	Association
Date Board Approval	29 May 2024
Update	
Planned Review Date	Generally 5 years after approval
Regulatory Outcomes Being Achieved	**Standard 1** The governing body leads and directs the RSL to achieve good outcomes for is tenants and other service users **Standard 2** The RSL is open about and accountable for what it does. **Standard 5** The RSL conducts its affairs with honesty and integrity
Association Values	Committed Agile **People-focussed –** Welcome requests for information and respond appropriately **Professional** – comply with legislative requirements
Equalities and Human Rights	Resources in place to enable staff to deal appropriately with any equalities issues that may apply. Human Rights Article 8 Right to Respect for Private Life, Family Life and the Home
Legislative References	Freedom of Information (Scotland) Act 2002 Environmental Information Regulations (Scotland) Act 2004 UK General Data Protection Regulations Data Protection Act 2018
Tenant Consultation Required	No
Equalities Impact Assessment	~~Initial/Full/~~Not Required

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1. Introduction

Manor Estates 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 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 FOISA rights will only apply to information held by Manor Estates 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, Manor Estates 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 Manor Estates Housing Association to the Governance and Compliance Officer or, in their absence to the Chief Executive Officer or another member of the Senior Management Team. 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 enable them to submit their request in writing.

Manor Estates Housing Association's Board has overall responsibility for this policy. The Senior Management Team are responsible for ensuring implementation and compliance with this policy.

4. Publication Scheme

Manor Estates Housing Association has adopted the Scottish Information Commissioner’s Model Publication Scheme

The Scheme sets out what information Manor Estates 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: Freedom of Information - Manor Estates Housing Association

5. Requests for Information

Members of the public are entitled to request information from Manor Estates Housing Association.

All recorded information held by Manor Estates 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 Manor Estates 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, Manor Estates Housing Association will inform the applicant of this. In exceptional cases Manor Estates 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, Manor Estates Housing Association will ask for clarification as soon as possible to enable us to proceed with considering the request. Manor Estates 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. Manor Estates 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 electronically, subject to reasonable adjustments and will be free of charge where possible. Manor Estates Housing Association may need to charge in some circumstances, for example where the costs are significant. In such cases Manor Estates Housing Association will notify the applicant in advance and Manor Estates Housing Association will not charge where costs incurred are below the threshold of £100.

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.

Any fees or disbursement costs paid to us are non-refundable.

7. Statistics

Manor Estates 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 data protection 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 Manor Estates 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 Manor Estates 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 Manor Estates 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

Manor Estates Housing Association can refuse requests if they are repeated within a reasonable timescale from the previous request, whether or not they are also vexatious.

8.3 Cost Limit is Exceeded

Manor Estates Housing Association reserves the right to refuse requests where the cost of providing the information would exceed the statutory cost limit. This limit is currently £600.

The requester cannot be charged for the first £100 it costs to find and provide the information. Therefore, if the cost of providing the information is less than £100, the requester will receive it free of any charges.

If the cost is over £100 and up to and including £600, we can charge the requester 10% of the cost of providing the information (bearing in mind, the first £100 is free) so the maximum we could charge would be £50, i.e. 10% of the remaining £500 if the cost to us was £600.

If the total cost to us is going to be over £600, we can refuse the request. However, we will advise on how the cost could be reduced so that the request could be fulfilled.

The fees regulations allow us to charge for "projected costs", "whether direct or indirect, which Manor Estates Housing Association reasonably estimates we are likely to incur in locating, retrieving and providing the information". Costs which might be charged include estimates of the staff time to collect information from our archive, the cost of postage to deliver the information to the requester or the cost of photocopying in order to provide it. We cannot, however, charge for the time and resources used to determine whether we actually hold the information e.g., through searches of catalogues and records holdings. We also cannot charge for any costs incurred in deciding whether the information can be released.

8.4 Other Exemptions

There are other exemptions that Manor Estates Housing Association might apply to information being released and these include:

- Information otherwise accessible
- Prohibitions on disclosure
- Information intended for future publication
- Relations within the United Kingdom
- Formulation of Scottish Administration policy etc.
- Prejudice to effective conduct of public affairs
- National security and defence
- International relations
- Commercial interests and the economy
- Investigations by Scottish public authorities and proceedings arising out of such investigations
- Law enforcement
- Confidentiality
- Court records, etc.
- Personal information (as defined in UK GDPR and DPA 2018)
- Health, safety and the environment
- Audit functions
- Communications with Her Majesty etc. and honours

9. Complaints

Anyone who has made a request for information to Manor Estates Housing Association under the FOISA is entitled to request an internal review if they are unhappy with the way their request has been handled.

Internal reviews will be carried out by the Chief Executive or a member of the Senior Management Team who was not involved with the original decision.

A request for review may be about:

- a decision not to give them some or all of the information

- how an exemption has been applied
- how the request was handled (eg failing to reply to them within the time limit allowed)
- a complaint about our Publication Scheme,
- failing to give them advice about, and help with, making their request
- asking them to pay a fee that they might feel is unreasonable

Manor Estates Housing Association may ask the applicant for clarification of the grounds of their complaint if the grounds are not clear.

A request for an internal review should be sent to the Chief Executive Officer.

An internal review will consider whether or not the request was handled appropriately, in line with the requirements of the FOISA. Applicants wishing to ask for an internal review must do so within 40 working days of the date of Manor Estates Housing Association's final response to their request.

Manor Estates Housing Association will acknowledge the request for an internal review within five working days and aims to respond within 20 working days of receipt. In a small number of cases, the response may take longer. In these circumstances, Manor Estates Housing Association will notify the requester, explain why more time is needed and give an estimate of the completion date.

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