



Approver	Board
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Related Documents	EIR Procedure; FOI Procedure; SAR Policy and Procedure
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## 1. Viewpoint's Values

Viewpoint is here to help people enjoy their later years. Everything we do is about realising this vision, which is supported by the following straightforward set of values:

- Inspire with positive smiles and words;
- Say 'yes I can and I will';
- Celebrate age, experience and wisdom;
- Do according to our customers' wishes and ambitions;
- Treat people (everyone is a VIP) as we would a "loved one";
- Work hard, have fun and laugh;
- Stay courageous, creative and ahead of the game; and
- Work with those that share our values.

These promises shape us. They're a commitment to our tenants, residents, staff and suppliers. They are fundamental to every single plan, decision and project we embark on.

## 2. Policy Statement

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").

Viewpoint 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 Viewpoint 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

### 3. Aim

#### Why is Viewpoint subject to FOISA and EIR?

Viewpoint 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”).

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.

#### What is subject to FOISA and EIR?

However, in accordance with the terms of the Order, not everything that Viewpoint does is subject to FOISA and EIR. Instead, Viewpoint 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 Viewpoint 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 Viewpoint are covered by FOISA and EIR:

- the prevention and alleviation of homelessness
- the management of social housing accommodation
- the provision and management of sites for gypsies and travelers; and
- the supply of information to the Scottish Housing Regulator (SHR) by an RSL or a connected body (i.e. a subsidiary) in relation to its financial wellbeing and standards of governance.

### 4. Legislation/related policies

Viewpoint Housing Association is a public authority with obligations under the Freedom of Information (Scotland) Act 2002.

The legal and regulatory framework is outlined below and includes:

- The Freedom of Information (Scotland) Act 2002
- The Environmental Information Regulations 2004
- The Data Protection Act 2018
- UK GDPR

Related guidance and codes of good practice:

- Section 60 Code of Practice
- EIR Procedure
- FOI Procedure
- SAR Procedure

## **5. Scope**

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

Viewpoint 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 Viewpoint is entitled to extend the timescale for responding by an additional 20 working days).

Where Viewpoint is providing an individual with the information they have requested they will, in so far 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 Viewpoint is refusing to provide information to individuals it will clearly explain to said individual what provision in FOISA or EIR allows Viewpoint to withhold that information and why Viewpoint believes that provision applies (including, where required, an explanation of how Viewpoint has carried out the Public Interest Test).

Where Viewpoint is asked to provide information which it does not hold, but Viewpoint knows that another Scottish Public Authority does hold the requested information - Viewpoint 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 Viewpoint shall offer to transfer the individual's request to the other Scottish Public Authority.

Viewpoint may choose to charge for fulfilling information requests received from individuals. Any charges made by Viewpoint shall be made in accordance with:

- for requests being handled under FOISA: the Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004
- for requests being handled under EIR: the Schedule of Charges is available under Guide to Information on the Viewpoint website

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

### Responding to Requests for Review

Where someone has requested information from Viewpoint and:

- Viewpoint 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 Viewpoint reviews the response to their request to determine whether or not the provisions of FOISA or EIR have been followed.

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

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

In any event Viewpoint 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 Viewpoint 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

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

### Publication of Information

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

### Data Protection

Viewpoint is committed to upholding its data protection obligations set out in the GDPR 2016 and the Data Protection Act 2018.

Under data protection laws, individuals have the right to request access to all of the information that Viewpoint holds about them. This and other rights that individuals have under data protection are not covered by this policy and you should refer to Privacy Policy and SAR Procedure when dealing with these rights.

## **6. Compliance & Support**

- The Data Protection Officer has lead management responsibility for FOISA and EIR within Viewpoint. This will include effective implementation and regular review of this Policy.
- The relevant Head of Department has responsibility to collect information and to respond to requests.
- The relevant Director has responsibility to deal with requests for review.
- All employees are responsible for:
  - familiarising themselves with this policy;
  - Forwarding information requests received to their Head of Department as quickly as possible. If you are unsure how to

recognise an information request you should seek guidance from the Data Protection Officer;

- Employees should be aware that where an information request is received and an employee deletes or alters information held by Viewpoint 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 Data Protection Officer.

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

## **7. Equality Impact Assessment (EIA)**

Following an initial Equality Impact Assessment screening we confirm no person, either individually or by group, would be discriminated against by this policy.

Viewpoint aims to design and implement services, policies and measures that meet the diverse needs of our service population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the Equality Act 2010 and promotes equal opportunities for all. This document has been assessed to ensure that no one receives less favourable treatment on grounds of their gender, sexual orientation, marital status, race, religion, age, ethnic origin, nationality, or disability. Members of staff, volunteers or members of the public may request assistance with this policy if they have particular needs. Upon request, Viewpoint will make information available in alternative formats to overcome communication barriers.

## **8. Privacy Impact Assessment (PIA)**

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

Risks associated with FOI and EIR were assessed and mitigated.

## **9. Monitoring & Evaluation**

Viewpoint will provide statistical data about the information requests received to Scottish Information Commissioner on quarterly basis.

Ongoing monitoring of compliance with this policy and supporting standards will be undertaken on a regular basis.

This policy will be reviewed every three years. Unscheduled reviews will take place in the event of significant change