



Freedom of Information Policy

Approval date – August 2019
Review date – August 2022

This policy applies to

- Link Group
- Link Housing
- Link Living
- Link Property
- Horizon
- Larkfield
- West Highland
- Lintel Trust

Policy Summary

The Freedom of Information (Scotland) Act 2002 [“FoISA”] gives people the right to request information from Scottish public authorities to understand how they work, how they make decisions and how they spend money.

Link is committed to being open and transparent about how we deliver services to customers and achieve value for money.

This policy sets out Link’s approach to responding to requests for information under FoISA.

Equalities

This policy fully complies with Link’s Equality, Diversity and Inclusion Policy. A full Equalities Impact Assessment has been carried out and will sit alongside this policy.

Privacy

This policy fully complies with Link’s Data Protection Policy and the provisions laid out in the Data Protection Act 2018 and the General Data Protection Regulation. A full privacy impact assessment has been carried out and will sit alongside this policy.

Policy Owner
 Director of Human
 Resources and Business
 Support

Review Manager
 Information Management
 Co-ordinator

Approved By
 Senior Management
 Group

Revision History		
Date	Version Number	Comments
October 2020	1.1	Amendment to 4.3.5

1. INTRODUCTION

1.1. Link Group, Horizon Housing Association, Larkfield Housing Association and West Highland Housing Association, [“Link”] as a Registered Social Landlords [RSLs], have been designated as public authorities for the purposes of the Freedom of Information (Scotland) Act 2002 [FoISA]. The designation applies to activities carried out by Link which are considered to be of “a public nature”.

1.2. The legislation applies specifically to the supply of information to the Scottish Housing Regulator in relation to Link’s “financial well-being and governance arrangements” and “housing services” as defined in section 165 of the Housing (Scotland) Act 2010. “Housing services” for the purposes of the application of FoISA to Link are defined as:

- Prevention and alleviation of homelessness
- The management of housing accommodation let under a Scottish secure tenancy or short Scottish secure tenancy
- The provision of management of sites for gypsies and travellers, whatever their race or origin

1.3. Some activities which are carried out by RSLs are not included in the scope of the legislation, these activities are:

- Care
- Mid-market rent
- Factoring
- Shared Ownership

2. PRINCIPLES

The following principles govern the operation of this policy:

- Be clear and understood by all employees
- Reflect the needs of our diverse organisation
- Reflect legislative requirements and best practice
- Be flexible and adaptable to changing needs

3. OBJECTIVES

The objectives of this policy are to provide:

- A consistent approach to dealing with FoISA requests
- An awareness of legislative requirements to all employees
- A framework to manage FoISA compliance

4. APPROACH AND METHOD

The policy will be implemented using the following approaches:

4.1 Responsibilities

- 4.1.1 The Director of Human Resources and Business Support has overall responsibility for ensuring compliance with this policy and the legislation.
- 4.1.2 The Information Management Co-ordinator has day-to-day responsibility for ensuring compliance with this policy and the legislation.
- 4.1.3 All employees are responsible for ensuring that FoISA requests they receive are dealt with in accordance with the legislation and in compliance with this policy.

4.2 Submitting a valid request

- 4.2.1 A FoISA request does not have to refer to the legislation, but to be valid must include:
 - The full name of the individual submitting the request
 - Correspondence address (either postal or email)
 - A brief but clear request for specific information
- 4.2.2 FoISA requests must be made in writing and can be made through any of the following channels:
 - Post
 - Email
 - Social Media
 - Live Chat
 - Website form
- 4.2.3 If a request is made verbally, the requester will be asked to submit the request in writing.

4.3 Dealing with requests

- 4.3.1 Recorded information held by Link which applies to the specific provisions of the legislation are subject to FoISA. The information can be on paper or in an electronic format.
- 4.3.2 Where a valid request is received, there is a duty to confirm whether or not Link holds the information and if it does hold it to provide the information so long as an exemption does not apply.
- 4.3.3 If the request is unclear, Link will ask for clarification as soon as possible to enable us to proceed with the request.

4.3.4 Link will provide advice and assistance to help individuals make requests under FoISA. We will acknowledge requests within five working days.

4.3.5 Link will respond to valid requests promptly and in any event within 20 working days.

4.4 Information subject to FoISA

4.4.1 Under FoISA the term 'information' means all recorded information held by Link either in electronic or hard copy form and includes all draft documents, agenda, minutes, emails, diaries and hand-written notes.

4.5 Exemptions

4.5.1 FoISA does not entitle requesters to be given all information held by Link. The legislation sets out exemptions to the right of access to information.

4.5.2 There are two kinds of exemption:

- Qualified exemption – this is subject to a public interest balance test to assess whether the public interest in the disclosure outweighs the reason for maintaining the exemption.
- Absolute exemption – this is not subject to a public interest balance test.

4.5.3 The following non-exhaustive list of exemptions may be applied to information held by a Scottish public authority under FoISA:

- Information otherwise accessible
- Prohibition on disclosures
- Information intended for future publication
- Investigations by Scottish public authorities
- Law enforcement
- Confidentiality
- Personal information
- Health, safety and the environment

4.5.4 Any request made by an individual for their own personal data will be treated as a subject access request under the Data Protection Act 2018.

4.5.5 Any request made relating to an element of the environment or any factors affecting the elements of the environment will be treated as a request under the Environmental Information (Scotland) Regulations 2004.

4.6 Vexatious requests

- 4.6.1 Link is not required to comply with a request which is deemed to be 'vexatious'.
- 4.6.2 The following factors will be considered when determining whether a request is vexatious:
- It would impose a significant burden on Link
 - It does not have a serious purpose or value
 - It is designed to cause disruption or annoyance to Link
 - It has the effect of harassing Link
 - It would otherwise, in the opinion of a reasonable person, be considered to be manifestly unreasonable or disproportionate

4.7 Repeated requests

- 4.7.1 Link may refuse to respond to an identical or substantially similar request for information if a reasonable period of time has not lapsed between requests.

4.8 Charges for information

- 4.8.1 Link may charge a fee to anyone making a request under FoISA in accordance with our charging schedule and applicable fees regulations under FoISA. However, we may refuse to deal with the request where we estimate that it will cost more than £600 to locate, retrieve and provide the information.

4.9 Publication Scheme

- 4.9.1 Link has adopted the Scottish Information Commissioner's Model Publication Scheme. The Publication Scheme sets out what information Link will make available, classified by the type of information and how the information can be accessed. To view the publication scheme of the applicable registered social landlord, please visit:

Registered social landlord	Web page
Link Group	www.linkhousing.org.uk/publicationscheme
Horizon Housing Association	www.horizonhousing.org.uk/publicationscheme
Larkfield Housing Association	www.larkfieldha.org.uk/publicationscheme
West Highland Housing Association	www.westhighlandha.co.uk/publicationscheme

4.10 Copyright

- 4.10.1 Where Link holds the copyright to its published information, the information may be copied or reproduced without formal permission, provided that:
- It is copied or reproduced accurately
 - It is not used in a misleading context
 - The source of the material is identified

4.10.2 Where Link does not hold the copyright to the published information, we will make this clear.

4.11 Alternative Formats

4.11.1 We will make responses to requests for information available in alternative formats on request.

5. MONITORING OF THE POLICY

Any matter which demonstrates a serious failure of internal controls should be reported immediately to the Chief Executive.

6. COMPLAINTS AND APPEALS

Link welcomes complaints and positive feedback, both of which provide information which helps us to improve our services. If an individual has made a request and are unhappy with the response, there is a two-step process to follow to help resolve the complaint.

Step 1: an individual has the right to ask Link to review our response. The individual should ask for Link to review the decision no later than 40 working days after receiving our response. When asking us to review our response an individual must do so in writing and include:

- Name
- Address (postal or email)
- Details of the individual's original request
- Tell us why the individual wants us to review our response to their request

We will carry out a review and respond to the individual with the outcome within 20 working days.

Step 2: if an individual remains unhappy after the review stage they can make an appeal to the Scottish Information Commissioner's Office online by visiting www.itspublicknowledge.info, by email to enquiries@itspublicknowledge.info, or by writing to:

Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St. Andrews
KY16 9DS

7. POLICY AVAILABILITY

A summary of this policy can be made available in a number of other languages and other formats on request.

8. POLICY REVIEW

Link undertake to review this policy regularly, at least every three years, with regard to:

- Applicable legislation, rules, regulations and guidance
- Changes in the organisation
- Continued best practice

Privacy Impact Assessment Screening Questions

Carrying out a Privacy Impact Assessment [PIA] will be useful to any project – large or small – that:

- Involves personal or sensitive data about individuals
- May affect our customers' reasonable expectations relating to privacy
- Involves information that may be used to identify or target individuals

Please tick the applicable statement(s) below. Will your project involve:

1. A substantial change to an existing policy, process or system that involves personal information Yes No
2. A new collection of personal information Yes No
3. A new way of collecting personal information (for example collecting it online) Yes No
4. A change in the way personal information is stored or secured Yes No
5. A change to how sensitive information is managed Yes No
6. Transferring personal information outside the EEA or using a third-party contractor Yes No
7. A decision to keep personal information for longer than you have previously Yes No
8. A new use or disclosure of personal information you already hold Yes No
9. A change of policy that results in people having less access to information you hold about them Yes No
10. Surveillance, tracking or monitoring of movements, behaviour or communications Yes No
11. Changes to your premises involving private spaces where clients or customers may disclose their personal information (reception areas, for example) Yes No

If you have answered 'Yes' to any of these points, please complete a full Privacy Impact Assessment. If you have answered 'No', you need take no further action in completing a Privacy Impact Assessment.

Equality Impact Assessment Screening Questions

Will the implementation of this policy have an impact on any of the following protected characteristics?

- | | | |
|-----------------------------------|---|--|
| 1. Age | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Disability | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Gender reassignment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Marriage and Civil Partnership | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Pregnancy and Maternity | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Race | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7. Religion or belief | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 8. Sex | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 9. Sexual orientation | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If you have answered 'Yes' to any of these points, please complete a full Equality Impact Assessment. If you have answered 'No', you need take no further action in completing an Equality Impact Assessment.