



Aberdeenshire *housing partnership*

ACCESS TO INFORMATION POLICY

The purpose of this policy is to ensure that Aberdeenshire Housing Partnership complies with the principles of the Freedom of Information Act (Scotland) 2002.

The Freedom of Information legislation gives two related rights:

- **The right to be told whether the information exists, and**
- **The right to receive the information**

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1. POLICY STATEMENT

- 1.1 It is becoming increasingly important for registered social landlords to operate in a manner that is open and accountable and this is reflected in a number of good practice documents, for example section GS3.5 of Performance Standards for Social Landlords

“We respond openly to requests for information, unless there are justifiable reasons for withholding it”

- 1.2 Aberdeenshire Housing Partnership has adopted the principles of the Freedom of Information Act (Scotland) 2002 as best practice in this area.
- 1.3 This policy sets out how Aberdeenshire Housing Partnership will conduct its business in an open and accountable manner whilst, at the same time, ensuring that personal and commercial confidentiality is maintained where appropriate. The success of this policy is likely to rest upon getting the balance right and it is therefore important that all staff and Board members fully understand and embrace the principles outlined in this policy.

2. SCOPE

- 2.1 Aberdeenshire Housing Partnership will adopt and maintain a publication scheme (**Appendix 1**) which sets out:
- The classes of information AHP publishes
 - The manner in which the information is published
 - Details of any charges
- 2.2 Information included in the publication scheme is exempt from requests for information.
- 2.3 Aberdeenshire Housing Partnership believes that its tenants and any other interested parties should have access to information on how it conducts itself. This means that unless information requested is considered commercially sensitive or personally confidential it will be made available on request. This will include information on:
- Performance against operational targets.
 - How to become a member of the Board or influence decisions in other ways.
 - Performance Audit assessments – the inspector’s report.
 - Policies and procedures.
 - Non confidential Board papers and minutes.
 - Results of the annual external audit.
- 2.4 The above list is not exhaustive and AHP will action any request for information, unless it is prevented from doing so by the Confidentiality section of this policy. Any

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requests outwith the list should be authorised by the Data Protection Officer (or most senior staff member in their absence).

3. ACHIEVING THE POLICY OBJECTIVES

3.1 This section outlines the steps AHP will take to ensure compliance with this policy.

- (i) **Performance against operational targets:** this will be done mainly in the Annual Report and periodic newsletters. Monthly figures will be available on request. The degree to which residents feel that they are kept appropriately informed is explored in our Tenant Satisfaction Surveys, and AHP would increase the amount of information being circulated if any of the surveys suggested this.
- (ii) **How to become a Board member or influence decisions in other ways:** AHP is continually trying to encourage tenants to seek to become Board members. This is addressed in the Articles of Association. Sometimes tenants may wish to influence certain decisions without necessarily joining the Board. This is acknowledged and actively encouraged in AHP's Tenant Participation policy.
- (iii) **Performance Audit assessments:** The findings are reported at the Annual General Meeting. All future Performance Audit reports will be circulated in full to Board Members. The full report will be available on request to tenants.
- (iv) **Policies and procedures:** AHP will make available all key policies and procedures on request. Availability of this information will be publicised from time to time in the newsletters.
- (v) **Non-confidential Board papers and minutes:** Board minutes (minus any confidential sections) will be available to any tenants on request. Where such a request is made, AHP will provide the document(s) within seven working days.
- (vi) **Results of the annual external audit:** AHP's Management Letter will be available to tenants on request. The external auditor's report will accompany the audited accounts presented at the AGM.

4. CONFIDENTIALITY

4.1 It is not possible to produce a definite list of all items considered confidential. The following, however, are considered confidential and should, at no time, be divulged inappropriately:

- Personal confidentiality of tenants and other members of the public will be respected. This means that the names, addresses, details on family composition or economic status (or any other means of identification) of individuals will not be given in Board reports or minutes or in any way divulged to anyone other than staff members, or other professionals, on a "need to know" basis.

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- All data records (both paper and computer) will be kept confidential to the appropriate staff members. No Board member will view an individual's data records
- Board Papers concerning:
 - legal proceedings
 - tendering
 - potential developments
 - commercially sensitive information.are confidential
- Items adjudged, on an ad hoc basis, to be confidential.

5. EXEMPTIONS

5.1 Whilst AHP recognises a general right of access to information held, the following lists the exemptions where that right is not allowed or qualified:

- Information accessible to applicant by other means
- Information supplied by, or relating to, bodies dealing with security matters
- Records submitted to Court
- Personal information
- Information provided in confidence
- Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court
- Health and safety
- Audit Functions

5.2 Exceptions to the above are:

- Where a resident or other member of the public complains or appeals to AHP about an issue and a personal representation is being made to the Board as the final stage in the procedure. In these circumstances, it is impossible to withhold information on the person's identity.
- Where AHP has a legal obligation to provide information to a third party.

6. BREACHES OF CONFIDENTIALITY

6.1 Any breach of confidentiality, whether deliberate or inadvertent, will be dealt with seriously by AHP. The circumstances surrounding the breach will, of course, be taken into account. All breaches will be dealt with via the staff disciplinary policy and may result in (i) the staff member(s) being issued with a warning or dismissed or (ii) the Board member(s) being requested to leave the Board.

7. REQUESTS FOR INFORMATION

7.1 Any individual will be able to make a request for information. The individual does not have to be the subject of that information, or be affected by its holding or use. If an individual is the subject of that information then the principles of the Data Protection Act to protect the data subject will take precedence over any access right given in this policy.

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7.2 Requests for information made must be made in writing, which includes electronic communications such as fax and email. The request must contain details of the applicant and of the information sought. AHP may ask for further details in order to identify and locate the information.

7.3 Requests for information will be dealt with within 40 working days.

8. CHARGES

8.1 A fee of £10 will be charged for providing the requested information. The requested information will not be released until the fee is paid.

9. VEXATIOUS REQUESTS

9.1 AHP will not comply with 'vexatious' requests, or repeated requests, if the AHP has recently responded to an identical or substantially similar request from the same person. The person will be advised, in writing, why the request is being denied.

10. ACCESS TO INFORMATION AND DATA PROTECTION

10.1 The Freedom of Information Act (Scotland) 2002 and the Data Protection Act 1998 both relate to aspects of information policy. They overlap where personal information is considered for disclosure.

10.2 A request by an individual for information about him or herself will continue to be handled as a 'subject access request' under the Data Protection Act. In certain circumstances, such a request may involve the release of associated third party information.

10.3 Where an applicant specifically requests information about a third party, or where responding to a request would involve the disclosure of personal information about a third party, the request falls within the remit of the principles of the Freedom of Information Act. However, AHP must apply the data protection principles when considering the disclosure of information relating to living individuals. AHP will not release third party information if to do so would mean breaching one of the Principles of the Data Protection Act.

10.4 Where the disclosure would not breach the principles, AHP may release the information. However, if the third party has served notice under s.10 Data Protection Act 1998 that disclosure would cause them unwarranted substantial damage or distress, or the third party would not have a right to know about the information relating to them or a right of access to it under the Data Protection Act 1998, AHP will consider whether release of the information would be in the public interest.

11. REVIEW PERIOD

11.1 This policy will be reviewed every three years, sooner if new legislation is enacted.

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APPENDIX 1

PUBLICATION SCHEME

| CLASS OF INFORMATION | AVAILABILITY |
|--|--|
| About AHP | |
| Memorandum and Articles of Association | Hard copy from Company Secretary |
| Register of Directors | Access arranged by contacting Company Secretary |
| Board Members Register of Interests | Access arranged by contacting Company Secretary |
| Board Meetings – The agenda and reports for all Board meetings. Some of the material in this class is derived from documents which we consider to contain exempt information. Where this occurs the material will clearly state where information has been withheld and explain which exemption has been applied and why. | Hard copy from Finance and Business Support Manager. |
| Audit Committee Meetings - The agenda and reports for all Audit Committee meetings. Some of the material in this class is derived from documents which we consider to contain exempt information. Where this occurs the material will clearly state where information has been withheld and explain which exemption has been applied and why. | Hard copy from Finance and Business Support Manager. |
| Housing Committee Meetings - The agenda and reports for all Housing Committee meetings. Some of the material in this class is derived from documents which we consider to contain exempt information. Where this occurs the material will clearly state where information has been withheld and explain which exemption has been applied and why. | Hard copy from Finance and Business Support Manager. |
| Development and Property Committee Meetings - The agenda and reports for all Development and Property Committee meetings. Some of the material in this class is derived from documents which we consider to contain exempt information. Where this occurs the material will clearly state where information has been withheld and explain which exemption has been applied and why. | Hard copy from Finance and Business Support Manager. |
| AHP's Annual Report and Accounts: Report and accounts setting out AHP's Annual outturn performance. | Hard copy from Finance and Business Support Manager. |
| AHP's Annual Audit Letter | Hard copy from Finance and Business Support Manager. |

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| Press Releases- Press release issued by AHP regarding aspects of their work. | Hard copy from Finance and Business Support Manager. |
| Tenant Related | |
| General information for Tenants A series of leaflets/handouts for tenant covering general information. | Hard copy from Housing Manager. |
| Tenant Participation Strategy | Hard copy from Housing Manager. |
| Tenant Focus Group. Information about the establishment of this group to advise AHP. | Hard copy from Housing Manager. |
| Tenant News Letters. AHP's regular newsletter providing latest news, views and announcements relevant to AHP tenants. | Hard copy from Housing Manager. |