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	Department	Corporate Services	
	Staff	All staff	
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INTRODUCTION

This is an 8 stage process intended to provide step by step guidance for staff in a way that allows us to respond to FOI requests within 20 working days:

1. **Receive, identify, log**
2. **Clarify**
3. **Assess**
4. **Assign request to department/individual – inform and consult**
5. **Locate and consider information to be disclosed**
6. **Consider response**
7. **Clearing response**
8. **Issue response**

This procedure also accounts for situations where we are asked for information which is not covered by the Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019 (the Order).

Only certain RSL and subsidiary functions are covered by FOI and EIR – these being:

- the prevention and alleviation of homelessness
- the management of social housing accommodation (for which an RSL has granted a Scottish secure tenancy or short Scottish secure tenancy)
- the provision and management of sites for gypsies and travellers
- the supply of information from an RSL to the Scottish Housing Regulator (SHR) in relation to its financial well-being and standards of governance

Where an information request does not relate to these functions we are not obliged under FOI or EIR to provide the information. However, there may be many circumstances in which we are happy to disclose information requested even though we are not legally obliged to do so.

It is also important when considering whether to respond to such requests, to remember the general duty under the Scottish Social Housing Charter, under the communications outcome:

Social Landlords manage their business so that:

Tenants and other customers find it easy to communicate with their landlords and get the information they need about their landlord, how and why it makes decisions and the services it provides.

Where we are providing information that is not subject to the Order we do not need to consider if any FOI or EIR exemptions or exceptions apply and should be particularly careful where any information requested relates to personal data.

STAGE 1 – Receive, identify & log (days 1-2)

Pass the request to the Corporate Services Manager who will:

- Evaluate the request and identify which legislation it will be processed under. Is it:
 - Freedom of Information (Scotland) Act (FOISA)
 - Environmental Information Legislations (EIRs)
 - Data Protection Act (DPA)
- Log the request in the FOI/EIR/SAR tracking spreadsheet
- If the request is a complex/controversial cases, inform the appropriate staff member/department
- Send an acknowledgement letter confirming receipt of the request, and the legislation under which it will be processed.

STAGE 2 – Clarify (days 1-2)

The Corporate Services Manager will ensure that the request is clear regarding what information is being asked for. If the request is unclear, clarification will be sought.

STAGE 3 – Assess (days 3-5)

The Corporate Services Manager will assess:

- If the request relates to functions covered by the Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019 (the Order):
 - If information covered by the Order will proceed with next steps in Stage 3.
 - If information not covered by the Order but we are willing to release some or all of the information proceed with next steps in Stage 3.
 - If information not covered by the Order and we are not willing to release any of the information a letter will be sent to the requester informing them that we are not obliged to provide them with the information.
- If we hold the information and it is already accessible:
 - If we do not hold the information a letter will be sent to the requestor informing them the information is not held.
 - If the information is held but is already published then a Section 25 exemption letter will be sent to the requestor informing them of where to find this information. Where the information is not covered by the Order we should simply write to the requester and inform them where to find the information.
 - If the information is held and has not been published then the request process will proceed to Stage 4.

STAGE 4 – Assign request to department/individual – inform and consult (days 3-5)

The Corporate Services Manager will contact the appropriate department to request information held.

Relevant department will respond to the Corporate Services Manager when information has been collected or to inform the Corporate Services Manager that department does not hold information.

Consult with the Corporate Services Manager to determine if fees are applicable. The Corporate Services Manager will advise on applying fees.

STAGE 5 – Locate and consider information to be disclosed (days 3-5)

Appropriate department and the Corporate Services Manager consider if the information can be supplied or whether any exemptions apply. Where the information requested is not covered by the Order we do not need to determine whether or not exemptions apply and can instead choose what information we are prepared to release.

The Corporate Services Manager will advise and assist in applying exemptions.

STAGE 6 – Consider response (days 6-10)

The Corporate Services Manager will review documents and prepare response letter.

STAGE 7 – Clearing response (days 11-15)

In cases of complex/controversial requests the Corporate Services Manager will seek clearance and consult with senior staff member/legal advisers as necessary.

STAGE 8 – Issue response (days 16-20)

The Corporate Services Manager quality checks and issues information requested, stating any exemptions as appropriate.