KEY

POLICY REGISTER   ITEM A22

POLICY: Freedom of Information

First approved:	2019

This policy is reviewed annually
at the January meeting of the Board

FREEDOM OF INFORMATION POLICY

1.   **Policy**

Key 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 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 (FOI) 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 FOI rights will only apply to information held by Key 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 Key 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 Key Housing Association to the Head of Housing. 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 the addresses given below.

By post to Key Housing Association, 70 Renton Street, Glasgow G4 0HT

By email to foi@key.org.uk

Key's Board has overall responsibility for this policy.

4.   Publication Scheme

Key Housing Association has adopted the Scottish Information Commissioner's Model Publication Scheme / SFHA's 'Open All Hours' Publication Scheme.

The Scheme sets out what information Key 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: https://www.key.org.uk/media/2729/guide-to-information_.pdf

5.   Requests for Information

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

All recorded information held by Key Housing Association falling within the functions set out in the '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 Key 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, Key Housing Association will inform the applicant of this. In exceptional cases Key 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, Key Housing Association will ask for clarification as soon as possible to enable us to proceed with considering the request. Key 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, and 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. Key Housing Association may need to charge in some circumstances, for example where the costs are significant. In such cases we will notify the applicant in advance and 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

Key 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 GDPR 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 Key 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 Key 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 Key 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

We 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

We reserve 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 Key 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 we 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 GDPR and DPA 2018)
- Health, safety and the environment
- Audit functions
- Communications with Her Majesty etc. and honours

9. **Internal Review and Complaints**

Anyone who has made a request for information to Key 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 normally be undertaken by the Head of Human Resources (unless they were involved with the original decision, in which case another senior manager will be identified who was not involved with the original decision).

A request for review may be about:

- a decision not to give some or all of the information
- how an exemption has been applied
- how the request was handled (e.g. failing to reply to them within the time limit allowed)
- a complaint about our Publication Scheme,
- failing to give advice about, and help with, making their request
- asking payment of a fee that is felt to be unreasonable

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

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 Key Housing Association's final response to their request.

Key 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, Key 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 at:

http://www.itspublicknowledge.info/home/ContactUs/ContactUs.aspx

KEY HOUSING ASSOCIATION LTD GUIDE TO INFORMATION

LAST REVIEWED: 31/10/19

At a glance – terms used in this document

Term Used	Explanation
FOISA	Freedom of Information (Scotland) Act 2002 *Places a duty on those organisations covered to proactively publish certain types of information; and to respond to requests for information; and to provide advice and assistance to those making requests for information.*
EIRs	Environmental Information Regulations (Scotland) 2004 *Those organisations covered by EIRs have a duty to respond to requests for environmental information*
SIC	The Scottish Information Commissioner *Who is responsible for ensuring that those bodies covered by FOISA and EIRs comply with the terms of the legislation.*
MPS	Model Publication Scheme *Produced by the SIC – this details all of the information that those subject to FOISA should publish (if they hold it)*
Guide to Information	*A guide that all organisations subject to FOISA and adopting the MPS must produce to help people access the information it makes available*
Classes of Information	*Nine broad categories describing the types of information authorities should publish (if they hold it).*

Background

The Freedom of Information (Scotland) Act 2002 (FOISA) requires that all housing associations/co-operatives in Scotland must produce and maintain a publication scheme. This must detail all of the key information that we publish and how you can access it. This Guide to Information is our publication scheme, and contains links to where you can find all of the information listed online.

Key Housing Association Ltd has adopted the Scottish Information Commissioner's (SIC) Model Publication Scheme (MPS), and this Guide has been approved by the SIC.

Formats other than online

All of the information listed is available on our website (unless stated), and completely free to access online. However, we understand that not everyone will have online access and where this is the case you can contact us to view this in our office (where this would be convenient).

If you would like a printed copy of any of the information listed, unfortunately we may have to charge a small fee to provide this. This fee will never exceed the cost of photocopying and postage – and we will let you know any total cost before we forward this to you.

If you would like to request information that we publish in a format other than online, or arrange a visit to our office to view information, please contact:
foi@key.org.uk

Information that we cannot publish

Whilst we will try to make all of the information we have detailed available, in rare cases there may be some information that we cannot make available. For example, sometimes if we were to publish certain board minutes, it could reveal personal details about an individual. This would be a breach of Data Protection legislation if we were to do so. When this is the case, we will

remove any personal details before publication and highlight where and why we have done so.

For how long will information be published?

We aim, where possible, to publish information for at least the current and previous two financial years. When we review any document – e.g. our policies – to avoid confusion we will only publish the current version once it has been updated.

Copyright and re-use

Where we hold the copyright on our published information, the information may be copied or reproduced without formal permission, provided that:

- It is copied accurately
- It is not used in a misleading context
- The source of the material is identified

Contact us

If you have any queries about anything contained within this Guide to Information, or if there is some information that you cannot find that you would like to access, please contact:

Key Housing Association
70 Renton Street
Glasgow
G4 0HT
foi@key.org.uk
0141-342-1890

The Information that we make available to you

Under the MPS, the information we provide must be listed under certain "classes" of information. These are the categories of information that are detailed below. As FOI applies to other bodies and sectors across Scotland – such as Scottish Government and Councils for example –this means that not all of the categories in the MPS apply to housing associations/co-operatives.[1]

The details of all the information we hold under each of the classes that apply to our organisation, and hyperlinks to access this information when available online, are outlined below.

Information	Where to access
Class 1 - About Key Housing Association *Information about who we are, where to find us, how to contact us, how we are managed and our external relations*.	
Descriptions of who we are	
Mission Statement, Vision and Values	https://www.key.org.uk/key-housing/
Corporate Objectives	https://www.key.org.uk/key-housing/who-we-are/
Area(s) of operation	https://www.key.org.uk/key-housing/who-we-are/
Key activities; strategic/corporate plan(s)	https://www.key.org.uk/key-housing/who-we-are/
Business Plan (or summary)	https://www.key.org.uk/key-housing/who-we-are/
Location and opening arrangements	
Address	https://www.key.org.uk/key-housing/contact-key-housing/
Telephone number and e-mail address for general enquiries (and dedicated lines where appropriate)	https://www.key.org.uk/key-housing/contact-key-housing/
opening times	https://www.key.org.uk/key-housing/contact-key-housing/
General contact arrangements	https://www.key.org.uk/key-housing/contact-key-housing/
local/area office contact details	https://www.key.org.uk/key-housing/contact-key-housing/
Contact details for making a complaint	https://www.key.org.uk/key-housing/complaints/
Information relating to Freedom of Information	
Publication Scheme and Guide to Information	https://www.key.org.uk/freedom-of-information/

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[1] *In the MPS Class 8: Commercial Publications and Class 9: Our Open Data do not apply to RSLs.*

Information	Where to access
Charging Schedule for Published Information	Available on request
Contact details and advice on making an FOI request	https://www.key.org.uk/freedom-of-information/
Freedom of Information policies and procedures	https://www.key.org.uk/freedom-of-information/
Policy and Charging Schedule for environmental information provided in response to requests made under EIRs	https://www.key.org.uk/freedom-of-information/
About our Governing Body	
List of Governing Body Members • Names • when they became a governing body member • Professional biographical details • office-bearing responsibilities • when they became an office-bearer	https://www.key.org.uk/about-us/our-board/board-members/
Description of the role of the Governing Body • governance structure chart (including sub-committees and working groups); • remits for governing body and any sub-committees	https://www.key.org.uk/about-us/our-board/
How to become part of the governing body	https://www.key.org.uk/key-housing/get-involved/membership/
About our staff	
List of senior management team, including professional biography and contact details	https://www.key.org.uk/about-us/our-people/
Organisational structure	https://www.key.org.uk/key-housing/who-we-are/
Governance Documents and Corporate Policies	
Rules/Articles	https://www.key.org.uk/about-us/our-board/governance-documents/
Standing Orders	https://www.key.org.uk/about-us/our-board/governance-documents/
Membership Policy	https://www.key.org.uk/key-housing/get-involved/membership/

Information	Where to access
Code of Conduct for Staff	https://www.key.org.uk/key-housing/who-we-are/housing-policies/
Code of Conduct for Governing Body Members	https://www.key.org.uk/about-us/our-board/governance-documents/
Entitlements Payments and Benefits Policy (or equivalent, including arrangements for payments for expenses and subsistence)	https://www.key.org.uk/about-us/our-board/governance-documents/
Register of Interests	https://www.key.org.uk/about-us/our-board/governance-documents/
Equal Opportunities (Equalities) Policy	https://www.key.org.uk/key-housing/who-we-are/housing-policies/
Health and Safety Policy	https://www.key.org.uk/key-housing/who-we-are/housing-policies/
Sustainability Policy	https://www.key.org.uk/key-housing/who-we-are/housing-policies/
Relationship with Regulators	
Engagement plan with Scottish Housing Regulator	https://www.key.org.uk/key-housing/our-performance/
Assurance Statement	https://www.key.org.uk/key-housing/our-performance/
Annual Return on Charter Submission to SHR	https://www.key.org.uk/key-housing/our-performance/
Financial Returns to SHR	https://www.key.org.uk/about-us/our-board/governance-documents/
Charter report to tenants	https://www.key.org.uk/key-housing/our-performance/
Internal and External Audit arrangements	https://www.key.org.uk/about-us/our-board/governance-documents/
Group Details	
Details of our subsidiaries	https://www.key.org.uk/about-us/ https://www.key.org.uk/community-lifestyles/
Key Partnerships	
Strategic agreements with other organisations	https://www.key.org.uk/about-us/partnership-with-tag/
Class 2 – How we deliver our functions and services *Information about our work, our strategy and policies for delivering services and information for our service users.*	
How to use our services	
List of services provided	https://www.key.org.uk/key-housing/

Information	Where to access
How to report a repair	https://www.key.org.uk/key-housing/maintenance-repairs/repairs/
Right to Repair information	https://www.key.org.uk/key-housing/maintenance-repairs/repairs/right-to-repair-scheme/
How to apply for a house	https://www.key.org.uk/key-housing/allocations-housing-solutions/
How to get information about tenancy support	https://www.key.org.uk/key-support/
How to make a complaint	https://www.key.org.uk/key-housing/complaints/
How to speak to a housing officer	https://www.key.org.uk/key-housing/who-we-are/
How we consult with tenants and other customers to inform and improve service delivery and develop new services	https://www.key.org.uk/key-housing/get-involved/

Policies and Procedures	
Allocations Policy	https://www.key.org.uk/key-housing/allocations-housing-solutions/
Adaptations Policy	https://www.key.org.uk/key-housing/living-in-your-home/
Anti-Social Behaviour Policy	https://www.key.org.uk/media/2040/b15-anti-social-behaviour-and-neighbour-nuisance-february-2017.pdf
Asbestos Management Policy	https://www.key.org.uk/key-housing/who-we-are/housing-policies/
Arrears Management Policy	https://www.key.org.uk/key-housing/rent/
Asset Management Policy (including stock condition information)	https://www.key.org.uk/key-housing/who-we-are/housing-policies/
Data Protection Policy	https://www.key.org.uk/privacy-policies/
Estate Management Policy	https://www.key.org.uk/key-housing/living-in-your-home/
Legionnaires Inspection/Prevention Policy	https://www.key.org.uk/key-housing/who-we-are/housing-policies/
Procurement Policy	https://www.key.org.uk/key-housing/who-we-are/housing-policies/
Risk Management Policy	https://www.key.org.uk/key-housing/who-we-are/housing-policies/
Rent Setting Policy	https://www.key.org.uk/media/2536/b2-rent-

Information	Where to access
	policy-january-2019.pdf
Repairs Policy	https://www.key.org.uk/key-housing/who-we-are/housing-policies/
Sustainability/Environmental Management Policy	https://www.key.org.uk/key-housing/who-we-are/housing-policies/
Tenant Engagement Policy	https://www.key.org.uk/key-housing/get-involved/
Class 3 – How we take decisions and what we have decided *Information about the decisions we take, how we make decisions and how we involve others.*	
Governing Body Meetings	
Governing body meeting minutes	https://www.key.org.uk/about-us/our-board/minutes-meetings-agendas/
Governing body meeting agendas/papers	https://www.key.org.uk/about-us/our-board/minutes-meetings-agendas/
Consultation and Participation	
Tenant Participation Strategy	https://www.key.org.uk/key-housing/who-we-are/
Consultation reports noting the outcome of any recent consultations with tenants/others	https://www.key.org.uk/key-housing/get-involved/surveys-consultation/
Tenant Advisory Panel composition	https://www.key.org.uk/key-housing/get-involved/my-home-group/
Class 4 – What we spend and how we spend it *Information about our strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent).*	
Information about our accounts and budgets	
Audited accounts	https://www.key.org.uk/about-us/our-board/governance-documents/
Budget policies and procedures	https://www.key.org.uk/about-us/our-board/governance-documents/
Budget allocation to key service areas	https://www.key.org.uk/about-us/our-board/governance-documents/
Our programme of work and projects	
Brief details of any project funding and how it's being spent	None at present
Capital works programme/plans information (annual programme figure)	https://www.key.org.uk/key-housing/maintenance-repairs/planned-replacements/
Spending relating to Staff and Governing Body	

Information	Where to access
Expenses policies and procedures	https://www.key.org.uk/about-us/our-board/governance-documents/
Senior staff/governing body member expenses at category level e.g. travel, subsistence and accommodation	Will be available end of January 2020
Board member remuneration other than expenses	https://www.key.org.uk/about-us/our-board/board-members/
Pay and grading structure	Available on request
General information about staff pension scheme	Available on request

Class 5 – How we manage our resources
Information about how we manage our human, physical and information resources

Human resources

Strategy and management of human resources	Available on request
Human resources policies, covering: • recruitment • performance management • salary and grading • pensions • discipline • grievance • staff development • support through illness • maintenance and retention of staff records	Available on request
Trade Union information	Available on request
Summary of professional organisations/trade bodies of which we are a member	https://www.key.org.uk/key-housing/who-we-are/our-partnerships/

Physical Resources

Management of our land and property assets, including environmental/sustainability reports	https://www.key.org.uk/key-housing/who-we-are/

Information	Where to access
General description of our land and property holdings	https://www.key.org.uk/key-housing/who-we-are/
Estate development plans	None at present
Information Resources	
Records management policy and records management plan, including records retention schedule	This information can be found in our ICT and Data Protection policies. https://www.key.org.uk/privacy-policies/
Data protection or privacy policy	https://www.key.org.uk/privacy-policies/
Class 6 - How we procure goods and services from external providers Information about how we procure works, goods and services, and our contracts with external providers.	
Our Contractors and suppliers	
Information about our key service delivery contractors who carry out: • responsive repairs • landscape maintenance • planned/cyclical maintenance	https://www.key.org.uk/key-housing/maintenance-repairs/repairs/
List of suppliers and contractors used by organisation (provided to staff under our Entitlements Payments and Benefits Policy)	https://www.key.org.uk/key-housing/who-we-are/our-partnerships/
Information about regulated procurement contracts awarded (value, scope, duration)	https://www.key.org.uk/key-housing/who-we-are/our-partnerships/
Our Procurement	
Procurement Policy and procedures	https://www.key.org.uk/key-housing/who-we-are/our-partnerships
Information on how to tender for work and invitations to tender	https://www.key.org.uk/key-housing/who-we-are/our-partnerships/
Register of contracts awarded which have gone through formal tendering, including name of supplier, period of contract and value	https://www.key.org.uk/key-housing/who-we-are/our-partnerships/
Links to procurement information we publish on Public Contracts Scotland website	https://www.key.org.uk/key-housing/who-we-are/our-partnerships/
Framework Agreements	https://www.key.org.uk/key-housing/who-we-

Information	Where to access
	are/our-partnerships/
Class 7 – How we are performing Information about how we perform as an organisation, and how well we deliver our functions and services	
Annual Report	https://www.key.org.uk/key-housing/our-performance/
ARC report to tenants	https://www.key.org.uk/key-housing/our-performance/
Performance Standards/indicators	https://www.key.org.uk/key-housing/our-performance/
Benchmarking information	https://www.key.org.uk/key-housing/our-performance/
Complaints policy, guidance and forms	https://www.key.org.uk/key-housing/complaints/
Complaints reports or equivalent to show how complaints are handled and influence service delivery (aggregate reports rather than individual outcomes).	https://www.key.org.uk/key-housing/our-performance/
Class 8 – Our commercial publications *Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g. bookshop, museum or research journal*	
This class does not apply to Key Housing Association as we do not produce any publications for sale.	Not applicable
Class 9 – Our open data Open data made available by us under the Scottish Government's Open Data Resource Pack and available under open licence.	
This class does not apply to Key Housing Association	Not applicable