

The background of the page is a photograph of a street. On the left is a historic, multi-story brick building with a triangular pediment and many windows. On the right is a modern, multi-story white building with large glass windows and balconies. The sky is blue with some clouds.

Group Freedom of Information and Environmental Information Policy

**Approved: June 2025
(Department: Corporate Services)**

Shettleston Housing Group

Shettleston Housing Group (SHG) comprises:

Parent

Shettleston Housing Association Limited (SHG)

- Registered Scottish Charity, No. SC036687
- Registered with the Scottish Housing Regulator under the Housing (Scotland) Act 2010, No. 183
- Registered under the Co-operative and Community Benefits Act 2014, Registered No. SP1884RS
- Property Factor Registered No. PF000226
- Authorised by the Financial Conduct Authority, No. FRN730115

Subsidiary Companies

Upkeep Shettleston Community Enterprise Limited (Upkeep)

- Company Registration No. SC277511 (Scotland)

East End Housing Development Company Limited (EEHDC)

- Company Registration No. SC293302 (Scotland)

Our Vision, Mission Statement and Values

Vision Statement

‘Thriving and prosperous local communities where all residents enjoy great homes and services, an attractive physical environment, and good life chances.’

This statement is the foundation for SHG’s commitment to its residents and the communities they live in.

This commitment is also demonstrated in SHG’s values which were agreed following discussions with the Management Board and Staff. These values are fundamental to how we carry out our day-to-day activities.

Our values are:

- | | |
|---------------------------|---|
| ♦ Customer service | ♦ Make a difference in the community |
| ♦ Teamwork | ♦ Fairness |

Equality & Diversity Statement

We will ensure that this policy is applied fairly and consistently. In implementing this policy, we will not directly or indirectly discriminate against any person or group of people because of their race, religion/faith, gender, disability, age, sexual orientation or any other grounds. Our commitment to equal opportunities and fairness will apply irrespective of factors such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or other personal attributes.

This policy and any other SHG publications is available in other formats e.g. other languages, Braille, large print, audio.

Freedom of Information and Environmental Information Policy

1. Introduction

- 1.1** 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”).
- 1.2** On 11th November 2019 Shettleston Housing Association (SHG) was designated as a Scottish Public Authority and was required to make information available in accordance with FOISA and EIR.
- 1.3** This is the Freedom of Information and Environmental Information Policy of Shettleston Housing Group (SHG). The policy will:
- provide a general understanding of FOISA and EIR; and
 - outline where responsibility lies for complying with the legal duties of SHG under FOISA and EIR
 - apply to all departments within the Association and the Association’s subsidiary, Upkeep.

2. Policy Statement

- 2.1** SHG 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 SHG 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 the 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 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. Scope of the Policy

3.1 This policy applies to any information held by SHG which relates to one or more of the functions set out above, regardless of format. This will include information created internally and information received from third parties. It will also relate to information which is held on behalf of SHG.

3.2 This policy applies to all SHG employees.

4. Background

4.1 SHG 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”).

4.2 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.

4.3 However, in accordance with the terms of the Order, not everything that SHG does is subject to FOISA and EIR. Instead, SHG 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 SHG 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 SHG 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.

4.4 What is the difference between FOISA and EIR?

4.4.1 EIR provides a right of access to ‘Environmental Information’ held by SHG. Environmental Information has a very wide definition which is set out in the 2004 Regulations. Where a request under FOISA is received for Environmental Information it should be processed in accordance with EIR.

4.1.2 Whilst the obligation under FOISA and EIR are similar – there are some key differences that employees must be aware of when dealing with requests for information. Further guidance on the differences are available on SIC’s website.

5. Legal Duties

SHG has a number of legal duties which it must comply with under FOISA and EIR. These are set out in more detail below:

- 5.1** People have the right to request information from SHG. Where the information requested is within the scope of the Order and SHG holds that information it must release the information unless an exemption (under FOISA) or an exception (under EIR) applies. SHG shall, when responding to requests for information from individuals, follow the Section 60 Code of Practice and any relevant guidance produced by SIC.
- 5.2** SHG 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 SHG is entitled to extend the timescale for responding by an additional 20 working days).
- 5.3** Where SHG 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 SHG is refusing to provide information to individuals it will clearly explain to said individual what provision in FOISA or EIR allows SHG to withhold that information and why SHG believes that provision applies (including, where required, an explanation of how SHG has carried out the Public Interest Test).
- 5.4** Where SHG is asked to provide information which it does not hold, but SHG knows that another Scottish Public Authority does hold the requested information – SHG 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 SHG shall offer to transfer the individual's request to the other Scottish Public Authority.
- 5.5** SHG may choose to charge for fulfilling information requests received from individuals. Any charges made by SHG 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 of SHG
- 5.6** Any fee charged by SHG will be reasonable and will not exceed the costs to SHG of providing requested information.

6. Responding to Requests for Review

- 6.1** Where someone has requested information from SHG and:
 - SHG 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 SHG reviews the response to their request to determine whether or not the provisions of FOISA or EIR have been followed.
- 6.2** Where SHG performs a review and determines that a response to a request is not in accordance with FOISA or EIR SHG will take immediate steps to rectify this (which could, for example, include releasing information which was previously withheld).
- 6.3** Where SHG performs a review and determines that a response to a request is in accordance with FOISA or EIR then SHG will notify the individual who asked for a review as quickly as possible.
- 6.4** In any event SHG will handle all requests for review in accordance with the timescales set out in FOISA and EIR.
- 6.5** 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 SHG and the individual in question have a right to appeal to the courts on a point of law.

7. Responsibilities

- 7.1** The Corporate Services Manager (CSM) has lead management responsibility for FOISA and EIR within Shettleston Housing Group. This will include effective implementation and regular review of this Policy.
- 7.2** SHG management team have responsibility in responding to requests for information from the CSM.
- 7.3** The CSM and the Executive Team have responsibility in determining whether information should be supplied or whether any exemptions apply.
- 7.4** The CSM has responsibility for responding to requests and collating information for sending out to requesters.
- 7.5** The CSM and ICT Business Transformation Manager (ICTBTM) have responsibility in making information available in accordance with SHG's Publication Scheme.
- 7.6** The Director of Finance and Corporate Services has responsibility for dealing with requests for review if any applicant is dissatisfied with a response to their request.
- 7.7** All employees are responsible for:
- familiarising themselves with this policy;
 - identifying and forwarding information requests received to the HRODM as quickly as possible to the FOI mail box - FOI@shettleston.co.uk. If you are unsure how to recognise an information request you should seek guidance from the CSM or the Director of Finance and Corporate Services;
 - seeking guidance from the CSM if they are unsure about any of the duties placed on SHG by FOISA or EIR;

- attending any training updates as required.

7.8 Employees should be aware that where an information request is received and an employee deletes or alters information held by SHG 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 CSM.

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

8. Provision of Advice and Assistance to Individuals

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

9. Publication of Information

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

10. Data Protection

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

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

11. Policy Review

11.1 We will review and update this policy every three years. More regular reviews will be considered where, for example, there is a need to respond to new legislation or regulatory guidance..

12. Related Documents

12.1 This policy relates to the following documents:

- ♦ Disciplinary Procedures
- ♦ Privacy Policy