



Environmental Information Regulations Policy October 2019

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Our Vision

Excellent housing in vibrant communities.

Our Values

Respect

We see the positive in everyone, especially our tenants. We treat everyone fairly, regardless of age, race, gender, sexuality or background. We ask for opinions even if we know we might not like what we hear. And we address people's concerns in any way we realistically can.

Integrity

What we say in public is the same as what we say behind the scenes. If we say we'll do something, we mean it. Our tenants can count on us to solve their problems and make sound decisions.

Aspiration

We want the best for all our current and future tenants. We're not afraid to strive for things that won't be easy – or try things that haven't been done before. We seek out opportunities and welcome change. If it doesn't turn out as planned, we learn and improve again. And then we try again.

Our Strategic Objectives

1. Build more desirable homes in popular neighbourhoods
2. Deliver more excellent services to suit our tenants' lives
3. Invest in our people to grow and develop their skills
4. Find more ways to ensure value for money
5. Continue to challenge poverty
6. Put even more focus on community health and wellbeing
7. Be ready for opportunities

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1. Introduction

- 1.1 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. EIR is overseen by the Scottish Information Commissioner (SIC).
- 1.2 From 11 November 2019 the Association will be designated as a Scottish Public Authority and will need to make information available in accordance with EIR.
- 1.3 This is the Environmental Information Policy of Queens Cross Housing Association. The policy sets out the responsibilities of the Association to meet our legal obligations in relation to the provision of environmental information. It also outlines the principles which guide the Association in providing the environmental information that we hold.
- 1.4 The Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019 (the designation order) provides individuals with the right to obtain information from public bodies in Scotland, including from RSLs. FOISA states that where the Association holds information we must respond to requests made from members of the public.
- 1.5 The policy will:
 - provide a general understanding of EIR; and
 - outline where responsibility lies for complying with the legal duties of the Association under EIR.

2. Policy scope

- 2.1 This policy applies to all the Association's governing body members, employees and volunteers.
- 2.2 It applies to any information held by the Association which relates to one or more of the functions set out below, 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 the Association.

3. Definition of Environmental Information

3.1 A broad definition is applied in the regulations as to what may be considered environmental information. This includes any information in written, visual, aural, electronic or any other material form on:

- a) the state of the elements of the environment, such as **air and atmosphere, water, soil, land, landscape and natural sites** including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- b) factors, such as **substances, energy, noise, radiation or waste**, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in paragraph (a);
- c) measures (including administrative measures), such as **policies, legislation, plans, programmes, environmental agreements, and activities** affecting or likely to affect the elements and factors referred to in paragraphs (a) and (b) as well as measures or activities designed to protect those elements;
- d) **reports** on the implementation of environmental legislation;
- e) **costs benefit and other economic analyses** and assumptions used within the framework of the measures and activities referred to in paragraph (c); and
- f) the state of **human health and safety**, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in paragraph (a) or, through those elements, by any of the matters referred to in paragraphs (b) and (c);

4. Key Principles

4.1 The Association is committed to the underlying principles of openness and transparency underpinning EIR and complying fully with the requirements of said legislation. To this end, the Association will:

- follow the relevant Scottish Ministers' Codes of Practice relating to EIR, as well as any relevant guidance issued by SIC;
- take into account the needs of individuals when presenting information under EIR;
- make all employees aware of their responsibilities under EIR and support them in fulfilling those responsibilities;
- publish a wide range of information through our Publication Scheme;

- monitor compliance with EIR with a view to continuous improvement;
- respect data protection in accordance with GDPR and the Data Protection Act 2018 when complying with EIR;
- only withhold information where entitled to do so under EIR and explain why information is withheld; and
- provide advice and assistance to individuals seeking to access information.

5. Responsibilities

5.1 Responsibilities for EIR in the Association are as follows:

- The Director of Finance and Corporate Support has lead management responsibility for EIR within the Association. This will include effective implementation and regular review of this Policy.
- The Business Strategy Team has operational responsibility for ensuring that individual requests are handled in line with statutory requirements including:
 - Co-ordinating responses to requests under EIR and who information requests should be forwarded to;
 - Dealing with requests for review;
 - Writing and publishing EIR reports;
 - Making information available in accordance with the Association's Publications Scheme 2019.
- Members of the Leadership Team are responsible for ensuring that staff adhere to this Policy and the EIR Procedure and:
 - Take a lead role for individual EIR requests where asked;
 - Collate information for sending out to requesters;
 - Respond to requesters.
- All employees are responsible for:
 - familiarising themselves with this policy;
 - forwarding information requests received to the Business Strategy Team as quickly as possible. If you are unsure how to recognise an information request you should seek guidance from them;

- seeking guidance from the EIR policy and procedure or the Business Strategy Team if they are unsure about any of the duties placed on the Association by EIR.
- Employees should be aware that where an information request is received and an employee deletes or alters information held by the Association 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 Business Strategy Team.

Compliance with this policy is compulsory for all employees of the Association. Any employee who fails to comply with this policy may be subject to disciplinary action.

6. Legal Duties

6.1 The Association has a number of legal duties which it must comply with under EIR. These are set out below:

6.2 Responding to Information Requests

People have the right to request information from the Association. Where the information requested is within the scope of the Order, and the Association holds that information, it must release the information unless an exception under EIR applies. The Association shall, when responding to requests for information from individuals, follow Section 60 of the Code of Practice and any relevant guidance produced by SIC.

The Association 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 the Association is entitled to extend the timescale for responding by an additional 20 working days).

Where the Association 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 the Association is refusing to provide information to individuals it will clearly explain to said individual what EIR provision allows the Association to withhold that information and why the Association believes that provision applies (including, where required, an explanation of how the Association has carried out the Public Interest Test).

Where the Association is asked to provide information which it does not hold, but the Association knows that another Scottish Public Authority does hold the requested information, the Association 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 the Association shall offer to transfer the individual's request to the other Scottish Public Authority.

The Association may choose to charge for fulfilling information requests received from individuals. Any charges made by the Association shall be made in accordance with the EIR Schedule of Charges.

Any fee charged by the Association will be reasonable and will not exceed the costs to the Association of providing requested information.

6.3 Responding to Requests for Review

Where someone has requested information from the Association and:

- the Association 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 exceptions available under EIR)

then they have the right to request that the Association reviews the response to their request to determine whether or not the provisions of FOISA or EIR have been followed.

Where the Association performs a review and determines that a response to a request is not in accordance with EIR, the Association will take immediate steps to rectify this (which could, for example, include releasing information which was previously withheld).

Where the Association performs a review and determines that a response to a request is in accordance with EIR, then the Association will notify the individual who asked for a review as quickly as possible.

In any event the Association will handle all requests for review in accordance with the timescales set out in EIR.

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 the Association and the individual in question have a right to appeal to the courts on a point of law.

6.4 Provision of Advice and Assistance to Individuals

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

6.5 Publication of Information

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

6.6 Data Protection

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

Under data protection laws, individuals have the right to request access to all of the information that the Association holds about them. This and other rights that individuals have under data protection are not covered by this policy and you should refer to the Association's Data Protection Policy 2018 when dealing with these rights.

7. Monitoring and Review

This Policy will be subject to a review every three years, or sooner in the event of any relevant legislative or regulatory changes or best practice guidance.

8. Related Policies and Documents

QCHA Environmental Information Regulations Procedure – October 2019

Data Protection Act (2018) which implements General Data Protection Regulation in UK law

QCHA Data Protection Policy 2018

QCHA Data Protection Procedure 2018

Scottish Information Commissioner Decision Notice 118/2014

QCHA Freedom of Information Policy – October 2019

QCHA Freedom of Information Procedure – October 2019

Contact Us

Address: 45 Firhill Road, Glasgow G20 7BE

Telephone: 0808 143 2002 **Email:** contactus@qcha.org.uk **Visit:** qcha.org.uk

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