

FREEDOM OF INFORMATION AND ENVIRONMENTAL INFORMATION REQUEST POLICY

Classification: Governance

Status: Approved

Policy Lead:	Director of Business Support
Last Review Date:	June 2026
Review Due Date:	March 2029
Review Period:	3 years unless required earlier due to changes in the law, regulation, best practice or requirement of the Association

REFERENCE PAGE

Document Title:	Freedom of Information & Environmental Information Request Policy
Aim:	The policy will outline the responsibilities of Eildon and its staff for publishing and providing information that falls within the Freedom of Information legislation & Environmental Information guidance.
Objective:	1 Governance: Ensure we continue to have strong leadership in the Association
Scope of Policy:	All stakeholders
Nominated Officer:	Data Protection and Information Officer
Approval Source:	Executive Team
Legal & Regulatory References:	Freedom of Information (Scotland) Act 2002 Environmental Information (Scotland) Regulations 2004
Procedural References:	FOI procedure Guide to Information Charging Schedule Complaints Policy & Procedure
Consultation Completed:	N/A
Risk Implications:	1- Existing policy, minimal change
Equalities Impact Assessment:	Full
Accessibility:	Accessible electronically/online and in print. All documents can be translated and made available in audio, braille and large print versions upon request.
Publish on Website:	Yes

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INTRODUCTION

Following an order made by the Scottish Parliament, registered social landlords (and qualifying subsidiaries) became subject to the Freedom of Information (Scotland) Act 2002 (FOISA), and for the purposes of Freedom of Information are deemed to be a Scottish Public Authority. This came into effect on 11 November 2019.

FOISA and the Environmental Information (Scotland) Regulations 2004 (EIRs) – together referred to within this policy as ‘FOI legislation’ provide a right of access to recorded information held by public authorities.

FOI legislation places three lawful duties on public authorities which must be complied with to meet FOI responsibilities.

- **The Duty to Respond:** We must respond to all requests for information within designated timescales; where information is exempt or unavailable we will respond setting out why within the appropriate timescales.
- **The Duty to Publish:** We must pro-actively maintain a publication scheme setting out the information we publish and how it can be accessed.
- **The Duty to Advise and Assist:** We must provide aid and support to members of the public to help them exercise their rights to information.

The Scottish Information Commissioner (SIC) oversees our compliance with FOI legislation.

POLICY STATEMENT

We are committed to the underlying principles of openness and transparency underpinning FOI legislation and will comply fully with its requirements. To this end we will:

- Follow the relevant Scottish Ministers Codes of Practice relating to FOI legislation, as well as any relevant guidance issued by SIC;
- Consider the needs of individuals when presenting information under FOI legislation;
- Make all employees aware of their responsibilities under FOI legislation and support them in fulfilling those responsibilities;
- Publish a wide range of information through our Publication Scheme;
- Monitor compliance with FOI legislation with a view to continuous improvement;
- Respect data protection in accordance with the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 when complying with FOI legislation;
- Only withhold information where entitled to do so under FOI legislation and explain why information is withheld or unavailable; and
- Provide advice and assistance to individuals seeking to access information.

SCOPE OF THE POLICY

This policy applies to information held by Eildon, regardless of format relating to one or more of the functions set out below:

- 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.

This includes information created internally and information received from third parties. It will also relate to information which is held on behalf of Eildon.

This policy applies to all Eildon employees and Board Members.

RESPONSIBILITIES

The **Board** has delegated overall responsibility for this policy to the Executive Team.

The **Audit & Risk Committee** will obtain assurances relating to the adequacy and effectiveness of risk, control and governance processes relating to the compliance with FOI legislation in Eildon. The committee will do this by instigating and receiving reports on Eildon's compliance with the principles of this policy.

The **Data Protection and Information Officer (DPIO)** has a direct reporting and escalation relationship with the **Director of Business Support (DBS)** who has responsibility for the monitoring of compliance and ensuring that the policy is reviewed.

The **Executive Team** have responsibility for supporting appeals and complaints, as well as decision making around the application of exemption or exceptions where applicable.

Operational Managers have responsibility for ensuring compliance within their business areas. They need to ensure that team members are aware of and comply with the FOI policy and procedures when dealing with requests for information and for ensuring all applicable information generated is passed to DPIO for publication.

The **DPIO** is Eildon's FOI Co-ordinator and is responsible for the following:

- Informing and advising Eildon about their obligations to comply with FOI legislation;
- Monitoring compliance with FOI legislation, including managing internal FOI legislation activities, training and conducting compliance audits;

- To be the first point of contact for supervisory authorities (i.e. SIC) and for individuals who submit requests;
- Quarterly and annual reporting on FOI legislation activities to the Executive Team, SIC and Board, respectively;
- Logging, coordinating and tracking FOI legislation requests;
- Coordinating responses and any internal reviews that might be requested, together with ensuring that all actioned FOI requests are published on the website;
- Maintaining the Publication Scheme and Guide to Information, ensuring that valid information is published on the website;
- Informing and supporting the development, delivery and maintenance of policy, procedures and training to support Eildon's FOI compliance; and
- Ensuring availability of appropriate procedures and guidance to the Board, Operational Managers and employees.

The **Business Support Team** will provide administration support for Freedom of information processes.

All employees and Board Members are responsible for freedom of information and should follow the guidance set out in this policy and the operational procedure when dealing with requests for information.

For specific responsibilities of each job role, read the Freedom of Information and Environmental Information Procedure.

Compliance with this policy and its associated procedures is compulsory for all employees of Eildon in line with our Code of Conduct. Any failure to apply the policy and procedures that results in Eildon's failure to comply with its legal obligations may result in disciplinary action.

Employees should be aware that where an information request is received and an employee deletes or alters information held by Eildon 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 inforequests@eildon.org.uk

FREEDOM OF INFORMATION REQUESTS

We will treat all requests for information fairly and without prejudice. There will be no consideration given to previous interactions with the requester save for cases of persistent or vexatious requests for information. Similarly, no consideration will be given towards the perceived motivations for the request for information.

Timescales and expectations

Once a request for information has been received, we will ensure it is responded to within the 20-working day legal deadline.

The 20-working day period does not start until a valid request is received, so any period of waiting for a response from the requester that validates their request will not count towards the period we have to respond. A request has to include a full name and address (postal or email) to be a valid request.

There is also a provision that allows Eildon to 'stop the clock' in any instance where it is necessary to go back to the requester to ask that they clarify something about their request. This will not be used as a stalling tactic or as a means of avoiding missing the original 20 working day deadline.

If it is determined that a fee should be charged for the provision of the information, it is permitted to 'stop the clock' until the payment has been received. See 'Charging Schedule' for more information on when a fee may be charged.

In some circumstances for EIRs a 20-working day extension may be permitted, this will be communicated to the requester as soon as possible.

Exemptions and Exceptions

There are some exemptions and exceptions to FOI legislation, where access to information can be denied. The categories of exemptions are as follows:

- **Absolute exemptions** – situations where a request can be denied without further consideration, for example: a disclosure would breach a court order or be in violation of the UK GDPR.
- **Qualified Exemptions** – situations where we need to weigh up the business interest vs the public interest in coming to a decision as to whether to disclose, for example: where a disclosure may prejudice substantially any ongoing law enforcement proceedings.
- **Vexatious or repeated requests** – there is no compulsion to comply with a FOI request that is vexatious in nature and/or repeated requests where information has previously been provided or circumstances around the decision to deny a previous request has not changed.

Although there might be occasions when it is appropriate to rely on an exemption, provision of information is an integral part of our work. Therefore, we will aim to disclose as much information as is reasonable and rely on exemptions only in limited circumstances. Further information on exemption and exception are available within the FOI & EIR procedures.

Locating and retrieving information

Eildon must make arrangements to allow staff to locate and retrieve information easily. This allows us to respond to requests quickly, and provide reassurance that all relevant sources have been checked.

Searches should be proportionate and focus on systems where staff with a working knowledge of the records relating to the request consider the information to be held.

Any information created or exchanged by Eildon, as a Scottish Public Authority, which relates to the business may be released under the FOI Legislations. This can include paper records, information systems such as notebooks and temporary records, business related information held on portable devices e.g. mobile phones (irrespective of whether these have been issued by the association or are the personal property of staff members), and non corporate platforms, including private email accounts, text messages, mobile messaging apps (e.g. WhatsApp, Messenger) or any other form of personal communication.

Wherever possible a record of searches conducted should be maintained.

Use of Artificial Intelligence

Requesters are entitled to use Artificial Intelligence (AI) tools to assist them in the construction or issuance of information requests, however requests generated via AI must meet the valid request standards, specifically names and contact addresses.

The suspected or confirmed use of AI tools does not in itself create any ground for refusing a request.

Requests received via social media

Eildon has official social media accounts (Facebook, LinkedIn, Instagram etc.) and therefore users must be alert to the possibility that valid requests for information will come through these channels, rather than through email. It is good practice for these sites to be monitored on a daily basis for information requests.

However, it may not be possible for a full response to be provided via social media due to limitations on characters allowed to be posted, or not supporting document upload, therefore should consider:

- Uploading a full response letter (and requested information) to Eildons website and then sending the requester a link to the full response; or
- Ask the requester for an email or postal address that the information can be sent to.

FEES

Under FOI legislation a fee can be charged in some limited circumstances; we will only seek to recover costs in line with the legislation and where deemed appropriate by a member of the Executive Team. Information on where fees may be applied is available within the Charging Schedule.

PUBLICATION SCHEME GUIDE TO INFORMATION

We have fully adopted the SIC's Model Publication Scheme (MPS). Our Publication Scheme clarifies what information should be proactively published within our Guide to Information and what information and guidance Eildon must offer to the general public to facilitate their access to information.

We will publish all categories of information, as defined by the Publication Scheme, on our website, alongside our Guide to Information which offers the public guidance on what information is available; how to access information that is not published; what fees may be charged for accessing information; and how to get in touch with any queries.

We will continue to update the Guide to Information when new information is published and will retain information for the current and two prior financial years as standard. Older information will be removed from the Guide to Information but retained in line with our Information Retention and Disposal Policy, to enable us to facilitate requests for information no longer on the Guide to Information.

REPORTING TO THE SCOTTISH INFORMATION COMMISSIONER

The SIC requires us to report to them on a quarterly basis, with details of the number of requests for information we receive. The DPIO will report the number of requests received in the quarter and any exemptions / exceptions we have applied in denying requests for information.

APPEALS AND COMPLAINTS

Requesters have the right to appeal to us if they are unhappy with the response to their request. In such an instance the request will be reviewed by a member of the Executive Team.

If the requester is still not satisfied with the response to their appeal, they have the right to appeal to the SIC. We will ensure that this advice is contained in any appeal response.

If an information requester has a complaint regarding any element of the Freedom of Information Policy or Procedure this should be dealt with under the appropriate section of the Complaints process (See Complaints Policy and Procedure).

TRAINING

Eildon will provide all employees with appropriate annual training and guidance on the FOI legislation, its importance, and their responsibilities for compliance with it and Eildon's policy and procedure.

New employees and Board Members will be provided with a FOI briefing as part of their induction process.

DISCLOSURE OF INFORMATION RELATING TO CONTRACTS OR PROCUREMENT PROCESSES

Eildon will ensure that suppliers/bidders are made aware of Eildon's statutory obligations under the FOI Legislations. Commercially sensitive information requests will be assessed on a case-by-case basis, with third parties being consulted on their views of disclosure where appropriate. However, even when a third party has indicated that information should be withheld, the decision lies with Eildon.

MONITORING AND REPORTING

Compliance with this policy and its associated procedures will be monitored by the Director of Business Support, together with independent reviews by both internal and external auditors on a periodic basis.

The DPIO will monitor and report quarterly to Executive Team and Operational Managers on FOI legislation activity.

An annual report to the Board will be provided that covers compliance with FOI legislation and how we are responding.

REVIEW

The Director of Business Support is responsible for ensuring that this policy is reviewed every three years or earlier if it is deemed appropriate. The purpose of these reviews is to assess the policy's effectiveness and adherence to current legislation and good practice, and to identify any changes which may be required.

The Executive Team have delegated authority to approve and review this management policy.

Title of policy/ practice/ strategy **Freedom of Information (Scotland) and Environmental Information Policy**

Lead Officer Director of Business Support

Nominated Officer: Data Protection and Information Officer

Is this new or revised policy, procedure, project/service? (check appropriate box)

☐ New

☒ Revised

Type of policy/ practice/ strategy Governance

EIA Review Cycle 3 years unless the policy is updated earlier

Stage 1: Screening Record

What is the main purpose and aim(s) of the policy/practice/strategy?

The FOISA Policy sets out how the organisation complies with its statutory duties under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations (EIRs).

The policy aims to ensure:

- Transparency and openness in decision-making.
- A clear process for handling information requests.
- Consistency and compliance with legal obligations.
- Public access to information unless exempt under FOISA or EIRs

Who does it affect/involve?

- Members of the public submitting FOI requests.
- Staff handling or approving FOI responses.
- Contractors or external partners who hold information on behalf of the organisation

Could there be any implications (positive or negative) for people under the following protected characteristic groups in this policy/ practice (or in the process of policy development)?

Please check the relevant box per characteristic

Age

Disability

Gender reassignment

Potential Implications?			If no, state why?
Yes	No	Don't Know	
☐	☒	☐	A requesters age is not required to be known or collected for an information request to be made or processed.
☒	☐	☐	-
☐	☒	☐	Gender reassignment information is not required to be known or collected for an

Marriage & civil partnership	☐	☒	☐	information request to be made or processed. An individuals marriage or civil partnership status is not required to be known or collected for an information request to be made or processed.
Pregnancy & maternity	☐	☒	☐	An individuals pregnancy or maternity status is not required to be known or collected for an information request to be made or processed.
Race	☒	☐	☐	-
Religion or belief (including no belief)	☐	☒	☐	An individuals religion or belief is not required to be known or collected for an information request to be made or processed.
Sex	☐	☒	☐	An individuals sex is not required to be known or collected for an information request to be made or processed.
Sexual orientation	☐	☒	☐	An individuals sexual orientation is not required to be known or collected for an information request to be made or processed.

If you answered yes or don't know for one or more protected characteristic group please continue to **Stage 2** and complete a full EIA, otherwise go to **Stage 4**.

Stage 2: Assessing Impact

How might the policy impact on people who share protected characteristics? Include both positive and negative impacts. If useful, here is some local census data, to be used for reference and context: [Equality, Diversity and Human Rights - what's the data telling us?](#)

Protected Characteristic	Positive or Negative Impact	High, Medium or Low Impact ¹	Where an impact is identified please describe this, providing any evidence as appropriate?
Age	N/A	N/A	
Disability	Positive	Medium	Policy advises that we have a duty to provide advice and assistance to making valid response. The Association will ensure that appropriate assistance is in place to help any person who has additional support needs. This support includes making documents available in large print and or in formats that enable electronic reading i.e. Read Aloud.
Gender reassignment	N/A	N/A	
Marriage & civil partnership	N/A	N/A	
Pregnancy & maternity	N/A	N/A	
Race	Positive	Medium	Policy advises that we have a duty to provide advice and assistance to making valid response. The Association will ensure that people for whom English is not their first language are given appropriate support, including use of interpreter services and

¹ High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.; Medium impact – some potential impact exists, some mitigating measures are in place, poor evidence; Low impact – almost no relevancy

How might the policy impact on people who share protected characteristics? Include both positive and negative impacts. If useful, here is some local census data, to be used for reference and context: [Equality, Diversity and Human Rights - what's the data telling us?](#)

Protected Characteristic	Positive or Negative Impact	High, Medium or Low Impact ¹	Where an impact is identified please describe this, providing any evidence as appropriate?
			arranging for documents to be translated into other languages.
Religion or belief (including no belief)	N/A	N/A	
Sex	N/A	N/A	
Sexual orientation	N/A	N/A	

Stage 2: Assessing Impact (continued)

How does the policy promote equality of opportunity² between people who share a relevant protected characteristic and people who do not?

One of the duties of FOI is to provide advice and assistance to help individuals exercise their right to information held.

How does the policy promote good relations between people who share a relevant protected characteristic and those who do not?

Our Customer Standards Guide promotes that Eildon will:

- Use plain English in our leaflets and publications and provide them in other languages if necessary
- Provide information in alternative formats if required
- Provide the services of interpreters and signers for the deaf and hearing impaired.

Stage 3: Decision making and monitoring

Identifying and establishing any required mitigating action

Check the box that is next the statement that reflects the impact assessment at Stage 2.

A	The EIA demonstrates the policy is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.	☒	No further action required
B	The EIA identifies potential problems or missed opportunities	☐	Action Required Adjust the policy to remove barriers or better promote equality
C	The EIA identifies the potential for adverse impact or missed opportunities to promote equality.	☐	Action Required Clearly set out the justifications for continuing with it
D	The assessment shows that the policy/ practice/ strategy demonstrates actual or potential unlawful direct or indirect discrimination.	☐	Action Required It must be stopped and removed or changed

² Opportunities to promote equality in respect of protected characteristics have been considered, i.e.: Eliminating unlawful discrimination, harassment, victimisation; Removing or minimising any barriers and/or disadvantages; Taking steps which assist with promoting equality and meeting people's different needs; Encouraging participation (e.g. in public life); Fostering good relations, tackling prejudice and promoting understanding

If B, C or D are selected, please state below what actions will be taken to reduce or mitigate any potential adverse or negative impacts identified?

Stage 4 – Sign Off

Select one statement as appropriate by checking the tick box:

- ☐ Following the Stage 1 screening no implications were identified for those in any of the protected characteristics groups and no Stage 2 Assessment was undertaken.
- ☐ The Equality Impact Assessment outlined at Stage 2 has been undertaken as set out in the Equality Diversity and Human Rights Policy. Any actions identified in Stage 3 have informed the development of the policy/practice/strategy and will be completed prior to its approval and implementation.
- ☐ The Equality Impact Assessment has resulted in the policy/practice/strategy not being taken forward in its current format.

EIA Completed by:	
Name:	Kerry Little
Position:	Data Protection and Information Officer
Date Completed:	24/03/2026