



Freedom of Information
and Environmental
Regulations POLiCy

Policy Owner	Director of Group Finance and Business Support
Document Author(s)	Group Business Support Manager
Approved By	Harbour Homes Board
Date approved	October 2024
Next Review Date	October 2027
Review Cycle	3 years
Communication & Training Methods	Induction Team Meetings Annual Training
Is a mandatory read required?	YES
Does this policy require to go on the website?	YES
Who does this policy apply to eg GROUP or ENTITY NAME(S) NB if not all, check there is a separate policy in place	Harbour Homes
The Policy has a direct link to the following Harbour policies and procedures If there are separate procedures which require to be attached to the policy in Doctract, please ensure these are reviewed at the same time and also provided.	Information Security and Acceptable Use Policy Freedom of Information Procedure Environmental Information Procedure Data Protection Policy Data Retention Policy Subject Access Request Procedure GDPR Privacy Notice Insert for Customers Harbour Publication Scheme (Guide to Information) Code of Conduct for Governing Board Members
This policy complies with the requirements of these legal and/or regulatory documents	Freedom of Information (Scotland) Act 2002

	Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019 The Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004 The Freedom of Information (Fees for Disclosure under Section 13) (Scotland) Regulations 2004 Code of Practice on the Discharge of Functions by Scottish Public Authorities Code of Practice on Records Management by Scottish Public Authorities Scottish Information Commissioner "Model Publication Scheme Guide for Scottish Public Authorities (updated March 2021) SFHA "Open All Hours": A Template Guide to Information (August 2019) Environmental Information (Scotland) Regulations 2004
Equality & Diversity Impact (EI) Assessment Status	This document was EDI Assessed by Group Business Support Manager and Group HR and OD Manager using the organisation's set procedure in May 2024 and is considered to be free of anything which may lead to any unfair discrimination in its application. EI Assessment records are held by the Business Support team and can be accessed on request to the Group Business Support Manager.
Data Protection Considerations	Our policies and procedures foster an approach of 'data protection by design and by default' In practice it means that our policies and procedures consider data protection issues, ie how to protect the data subject served by the policy or procedure; New systems, services, products and business practices involving personal data are designed and implemented to ensure personal data is protected by default; Data protection principles and safeguarding of individuals' rights are clear in the policy or procedure; And that if the policy or procedure aims to provide service to vulnerable groups (eg children) that the personal data is treated with extra protection.

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	Harbour Homes is designated as a Scottish Public Authority and therefore under the scope of FOISA and EIRs.
1.3	This policy applies to any information held by Harbour Homes which relates to one or more of the functions set out in section 3, regardless of format. This will include information created internally and information received from 3 rd parties. It will also relate to information which is held on behalf of Harbour Homes.
1.4	This policy does not apply to the Harbour subsidiary companies with the exception of services provided by Harbour Connections to social housing (SST or SSST) tenants of other RSLs.
2.	POLICY STATEMENT
2.1	Harbour Home is committed to openness and transparency, aligning with the principles of FOISA and EIR. We are resolute in our dedication to fully comply with FOISA and the EIRs, guided by the codes of practice from Scottish Ministers and relevant advice from SIC. Our approach involves considering individuals' information needs, ensuring that our team is well-informed and supported in meeting their FOISA and EIR responsibilities. Through our Publication Scheme, we aim to share a diverse range of information and consistently monitor and enhance our compliance. We prioritise data protection, adhering to UK GDPR and the Data Protection Act 2018. In cases where information is withheld, we provide clear explanations and offer guidance and assistance to those seeking access.
2.2	Our approach involves considering individuals' information needs, ensuring that our colleagues are well-informed and supported in meeting their FOISA and EIR responsibilities.
2.3	Through our Publication Scheme, we aim to share a diverse range of information and consistently monitor and enhance our compliance. We prioritise data protection, adhering to UK GDPR and the Data Protection Act 2018. In cases where information is withheld, we provide clear explanations and offer guidance and assistance to those seeking access.
2.4	Harbour Homes, as a member of Happy to Translate, is committed to helping people who encounter language barriers. Harbour Homes will make reasonable adjustments to help overcome speech, language or

	other communication barriers when handling FOI and EIR requests, for example through face-to-face meetings, interpretation or translation.
3.	RESPONSIBILITIES UNDER THE POLICY
3.1	Ultimate responsibility for compliance with this policy and with FOISA and EIRs rests with the Group Chief Executive, but all colleagues who record information or who are in contact with the public also have responsibilities under FOISA and the EIRs and under this policy.
3.2	Freedom of Information (FOI) Lead: • Management of FOISA and EIR within Harbour Homes • Review of the FOI and Environmental Regulations Policy • Initial contact for all FOISA and EIR requests and then channeled to appropriate colleague • Ensuring FOI and EIRs requests are responded to within statutory timescales • Request and collate information to enable the release of information • Assisting the Group Leadership Team with FOI and EIR reviews as required • Providing data on FOI and EIR compliance to the SIC • Maintaining Model Publication Scheme.
3.3	Group Business Support Manager: • Oversee the implementation of the FOI and Environmental Regulations Policy • Ensure colleagues are provided with relevant training • Check the accuracy and approve the content of the FOI response • Provide assistance to the FOI Lead with investigations into appeals or complaints.
3.4	Group Leadership Team (individually and collectively): • Considering and responding to FOI and EIRs reviews • Reviewing progress on Harbour compliance with FOISA and EIRS • Reporting on FOI and EIR issues to Harbour Homes Board.
3.5	Operations and Business Support Managers (individually and collectively): • Providing information to the FOI Lead when requested for inclusion with the Model Publication Scheme • Responding to requests for information from the FOI Lead (in response to FOI and EIR requests) or Group Leadership Team (in response to FOI and EIR reviews)
3.6	All Staff • Creating their own records and adhering to Harbour's Data Retention Policy and all relevant data management procedures and processes

	• Informing departmental or line managers of the creation of any new categories of document • Ensuring FOI and EIR requests or FOI and EIR reviews are referred to the FOI Lead. Where a colleague is unsure as to whether they have received an FOI or EIR request or review they should raise this with the FOI Lead. Where an information request is received and a colleague alters, destroys or conceals information held by Harbour with the intention of preventing disclosure of information, a criminal offence is committed.										
4.	ACTIVITIES COVERED BY THE LEGISLATION										
4.1	Harbour Homes is subject to both FOISA and EIR in line with the Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019 (the "Order"). 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 EIR.										
4.2	However, in accordance with the terms of the Order, not everything that Harbour Homes does is subject to FOISA and EIR.										
4.3	Harbour Homes 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 Harbour Homes carries out – subject to some restrictions.										
4.4	A summary of activities covered by the legislation is provided below: <table> <tr> <th>Functions covered by the Order</th><th>Functions not covered by the Order</th></tr> <tr> <td>Management and maintenance by Harbour Homes of social housing, where provided through an SST or SSST</td><td>Management and maintenance by Harbour Homes of non-social housing eg mid-market rent, open market rent and shared ownership</td></tr> <tr> <td>Services provided by Harbour Homes' Placemaking and Tenancy Support Teams to support social housing (SST or SSST) tenants</td><td>Services provided by Harbour Homes' Placemaking and Tenancy Support Teams to support mid-market rent tenants, sharing owners, owners and members of the wider community</td></tr> <tr> <td>Services provided by Harbour Homes's Placemaking and Tenancy Support Teams (to anyone) for the prevention and alleviation of homelessness</td><td>Services provided to owners and sharing owners, eg factoring</td></tr> <tr> <td>Services provided by Harbour Connections to social housing</td><td></td></tr> </table>	Functions covered by the Order	Functions not covered by the Order	Management and maintenance by Harbour Homes of social housing, where provided through an SST or SSST	Management and maintenance by Harbour Homes of non-social housing eg mid-market rent, open market rent and shared ownership	Services provided by Harbour Homes' Placemaking and Tenancy Support Teams to support social housing (SST or SSST) tenants	Services provided by Harbour Homes' Placemaking and Tenancy Support Teams to support mid-market rent tenants, sharing owners, owners and members of the wider community	Services provided by Harbour Homes's Placemaking and Tenancy Support Teams (to anyone) for the prevention and alleviation of homelessness	Services provided to owners and sharing owners, eg factoring	Services provided by Harbour Connections to social housing	
Functions covered by the Order	Functions not covered by the Order										
Management and maintenance by Harbour Homes of social housing, where provided through an SST or SSST	Management and maintenance by Harbour Homes of non-social housing eg mid-market rent, open market rent and shared ownership										
Services provided by Harbour Homes' Placemaking and Tenancy Support Teams to support social housing (SST or SSST) tenants	Services provided by Harbour Homes' Placemaking and Tenancy Support Teams to support mid-market rent tenants, sharing owners, owners and members of the wider community										
Services provided by Harbour Homes's Placemaking and Tenancy Support Teams (to anyone) for the prevention and alleviation of homelessness	Services provided to owners and sharing owners, eg factoring										
Services provided by Harbour Connections to social housing											

	(SST or SSST) tenants of other RSLs	
	Information provided by Harbour Homes to the Scottish Housing Regulator (SHR) in relation to its financial wellbeing and standards of governance	
5.	GUIDE TO INFORMATION (GTI)	
5.1	Harbour Homes has adopted the Scottish Information Commissioner's Model Publication Scheme / SFHA's "Open All Hours" Publication Scheme.	
5.2	The Scheme sets out what information we 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: Freedom of Information - Harbour Homes	
6.	FOI REQUESTS	
6.1	Members of the public are entitled to request information from Harbour Homes.	
6.2	All recorded information held by Harbour Homes falling within the functions set out 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.	
6.3	Where a valid request is received, there is a duty on Harbour Homes 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.	
6.4	If information has been requested but is not held, Harbour Homes will inform the applicant of this. In exceptional cases, Harbour Homes 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.	
6.5	If a request is unclear, Harbour Homes will ask for clarification as soon as possible to enable us to proceed with considering the request. Harbour Homes provide advice and assistance to help people make requests under the FOISA. We will aim to acknowledge requests for information within 5 working days of receipt. Harbour Homes 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.	
7.	FEES	

7.1	Information provided in response to requests will be provided electronically, subject to reasonable adjustments and will be free of charge where possible.
7.2	Harbour Homes may need to charge in some circumstances, for example where the costs are significant. In such cases, Harbour Homes will notify the applicant in advance and Harbour Homes will not charge where costs incurred are below the threshold of £100.
7.3	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.
7.4	Harbour Homes has a separate schedule of fees for environmental information (see Section 10 below).
7.5	Harbour Homes will not charge for the first £100 it costs to provide information in response to an FOI request. If the cost is more than £100 but up to including £600, it will charge 10% of the cost of providing the information. As the first £100 is always free, the maximum that Harbour Homes will charge is £50 (10% of the difference between £100 and £600 – when waiving the first £100 of costs).
7.6	For FOI requests, if the total cost to Harbour Homes is more than £600, we may refuse the request but will offer advice on how the applicant can reduce the cost by making changes to the request. Harbour Homes may also ask the applicant to pay the full cost above the £600 limit.
7.7	For FOI requests, Harbour Homes will tell applicants if it is going to charge by sending them a fee notice within 20 working days of the request, showing the estimated fee, how it has been calculated and how applicants can appeal against the fee. This will state clearly that it is a fee notice. If the actual cost turns out to be more than estimated in the fee notice, the fee will not be increased. If the cost turns out to be less than estimated, Harbour Homes will consider refunding any overpayments.
7.8	For FOI requests, Harbour Homes may charge for staff time to gather the information (up to a maximum of £15 per hour per staff member) and reasonable costs for photocopying or providing it to the applicant in another format.
7.9	The applicant will be given three months to respond to the FOI fee notice. The applicant may decide not to pay the fee (in which case Harbour Homes will not send the information) or may ask for the fee to be reviewed. Where an applicant is unhappy with the level of fees they should contact Harbour Homes to discuss how the scope of the request could be narrowed to reduce fees.

8.	FOISA Exemptions
8.1	FOISA gives individuals the general right to see all recorded information held by Harbour Homes. In certain circumstances the Group will refuse FOI requests, for example, if: • The applicant has not provided enough detail to identify the information requested and does not respond to a request from Harbour Homes for clarification • Harbour Homes does not hold the information requested • It will cost over £600 to provide the information • Harbour Homes thinks the request is “vexatious” and is intended to disrupt the Group’s work, rather than a genuine request for information • Harbour Homes has already provided the information to the applicant in response to a substantially similar request (unless a reasonable period of time has elapsed) • The information is exempt under FOISA.
8.2	Information may be exempt from disclosure under FOISA in some circumstances, for example where Harbour Homes can demonstrate that: • Disclosing the information would breach data protection law: or • Disclosure would cause substantial harm to someone’s commercial interests.
8.3	Harbour Homes may also disclose information subject to redacting certain pieces of information where exemptions apply and will provide an explanation as to why the information has been redacted. Harbour Homes will generally seek professional advice before withholding information or applying exemptions.
8.4	In some circumstances when deciding if information is exempt, Harbour Homes will also be required to consider whether it would be in the public interest for the information to be released. In these circumstances Harbour Homes will disclose the information unless the public interest in disclosing the information is outweighed by the public interest in maintaining the relevant exemption.
8.5	If Harbour Homes decides to refuse a request, we will write to the applicant to explain why we are refusing and will also tell the applicant what to do if they disagree.
8.6	Exemptions under the EIRs are called ‘Exceptions’ and slightly different rules apply – see section 10 below.
9.	REVIEWS
9.1	Any applicant who is unhappy with the way their request for information has been responded to or has not received a response within the set time limit, has a legal right to ask Harbour Homes to review its decision.
9.2	Applicants may ask for a review within 40 working days of receiving the response from Harbour Homes, or, if no response was received,

	within 40 working days of the end of the original 20 working day response period.
9.3	Requests for a review must be submitted in writing or any other form that can be kept for future use (eg fax, audio or video tape). Requests should include: - the applicant's full name and an address for correspondence (eg a postal or email address) - details of the original request and - the reason why the applicant wants Harbour Homes to review how it handled the request.
9.4	Requests for a review may be made to the Freedom of Information Lead, Harbour Homes, 108 Constitution Street, Edinburgh EH6 6AZ , via the online form available on our website Freedom of Information - Harbour Homes , or by email to data@harbour.scot .
9.5	Harbour Homes will respond to a request for a review as quickly as possible, and within 20 working days of receipt of the request for review. Reviews will be carried out by the Group Leadership Team.
9.6	The response will include one of the following: - All or some the information requested. In certain circumstances Harbour Homes will provide requested information with some sections redacted (with an explanation of why the redactions have been carried out) - A notice confirming that Harbour Homes still intends to withhold information requested, and why - A decision about the level of fee to be charged (if the review related to the fees) - A decision on the request, if Harbour Homes did not reply to the original request - A notice from Harbour Homes saying it doesn't think we have to review our decision, because we think the original request was vexatious, or the same as a request made before.
9.7	Applicants who are not happy with the response to a request for a review may appeal to the Scottish Information Commissioner: Scottish Information Commissioner at Kinburn Castle, Doubledykes Road, St Andrews, Fife KY16 9DS (Tel: 01334 464610, Fax: 01334 464611) or email at enquiries@itspublicknowledge.info. Appeals can also be made through the Scottish Information Commissioner's appeal portal.
9.8	Applicants who are unhappy with the Commissioner's decision have a right of appeal to the Court of Session (but only on a point of law).
10.	Environmental Information (Scotland) Regulations (EIRs)

10.1	Environmental information is covered by the EIRs. The EIRs sit alongside FOISA and provide similar rights to information. Under Section 39(2) (a) of FOISA, Harbour Homes may respond initially under FOISA but go on to consider the request under the EIRs alone.
10.2	There are several differences in the way that Harbour Homes handles requests under EIRs and FOISA: • Requests for information can be made verbally under EIRs • The 20-day time period for responding to requests can be extended to 40 working days where the request is complex and voluminous and would involve a considerable amount of work. Harbour Homes will notify applicants where the time period is extended • There is no upper or lower cost limit and Harbour Homes can recover in full the reasonable cost of supplying the information requested. Harbour Homes has a schedule of fees relating to environmental information that sets out the charges applicable to EIR requests. This is available within our Guide for Information which is available on our website Freedom of Information - Harbour Homes EIRs have exceptions rather than exemptions and all of these are subject to the public interest test • Information relating to emissions has special status and will have to be supplied in most cases • Where an applicant is unhappy with Harbour Homes's response to a request for environmental information and wants Harbour Homes to review its decision, this request must be made in writing • Harbour Homes cannot accept late requests for a review under the EIRs whereas under FOISA a late request for a review may be considered where we consider it appropriate to do so.
10.3	Requests for environmental information may be made in writing to the Freedom of Information Lead, Harbour Homes, , via online form available on our website Freedom of Information - Harbour Homes , or by email to data@harbour.scot .
11.	POLICY & PROCEDURE EFFECTIVENESS ASSESSMENT CRITERIA
11.1	Harbour Homes will collect, collate, and report data on the management of its compliance with FOISA and the EIRs which will be used to demonstrate the effectiveness of this policy and associated procedures.