



Freedom of Information (FOI) Policy

Presented to Management Committee for Approval 29 April 2025

Next review April 2027

Blochairn Housing Association (BHA) is committed to openness and transparency. We will comply with the provisions of the Freedom of Information Act 2000 (FOIA) and related legislation, including the Environmental Information Regulations Act 2004 (EIR), the UK General Data Protection Regulation and the Data Protection Act 2018.

1. Introduction

The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR), came into force in January 2005, and are part of the government's commitment to greater openness in the public sector. The FOIA replaces the non-statutory Code of Practice on Openness in the NHS.

Under the Act any individual is able to make a request for information and is entitled, subject to any exemptions or exclusions, to receive a written reply stating whether the information is held, and also to have the information communicated by a method of their request. The individual does not have to disclose the reason for their request.

In addition, public authorities are required to proactively publish certain information about their activities. This is the publication scheme. (See Section 3).

Compliance with the FOIA is a legal duty and overseen by the Information Commissioner's Office (ICO). Complaints by the public are investigated where a public body is deemed to have failed to comply with the Act, and a decision notice is issued. In cases of repeated or deliberate non-compliance an Enforcement Notice can be issued, in extreme cases a public authority can be found in contempt of court and fined up to £500,000.

BHA supports the principle that openness and transparency should be the norm, whilst seeking to strike a balance between transparency and the need to safeguard both personal information about patients and staff and also commercially confidential/sensitive information.

2. Scope

This covers public authorities registered with the Office of the Scottish Information Commissioner (OSIC). Whilst Housing Associations are not classed as a public authority they are brought into scope by special order, in relation to the elevation of Homelessness.

FOISA enables anyone, anywhere in the world, to request any recorded information held by, or on behalf of, BHA. There is no need for the applicant to explain their reasons for the request, or that it is a request under FOIA. 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 FOIA and in compliance with this policy. Staff should forward all initial requests for information received by BHA to foi@blochairn.org. 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 foi@blochairn.org at the address given below.

BHA's Management Committee has overall responsibility for this policy. The Director is responsible for ensuring implementation and compliance with this policy.

4. Publication Scheme

The FOIA requires every public authority to have a publication scheme, approved by the Information Commissioner's Office (ICO), and to publish information covered by the scheme.

BHA has adopted the Information Commissioner's Model Publication Scheme.

The Scheme sets out what information BHA 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 via our website.

5. Requests for Information

Members of the public are entitled to request information from BHA.

All recorded information held by BHA falling within the functions set out in 'Scope' above, is subject to the requirements of the FOIA. 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 BHA 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 BHA will inform the applicant of this. In exceptional cases BHA 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, BHA will ask for clarification as soon as possible to enable us to proceed with considering the request. BHA will provide advice and assistance to help people make requests under the FOIA. We will aim to acknowledge requests for information within five working days of receipt. BHA 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. BHA may need to charge in some circumstances, for example where the costs are significant. In such cases BHA will notify the applicant in advance and BHA 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. Fees and disbursement costs that we charge should be paid by BACS . Please contact us for payment details.

7. Statistics

Each quarter, the Cabinet Office collects summary statistics from the monitored bodies covering the number, outcome, and timeliness of response to FOI requests received in the preceding period. At the end of each year additional information is collected on internal reviews and appeals to the Information Commissioner's Office.

The quarterly and annual returns are combined with historical data from previous collections to create a single ongoing data set.

8. Exemptions

The FOIA does not entitle applicants to be given all information held by BHA. The FOIA 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 BHA 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 BHA'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 FOIA 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's Office.

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

BHA 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

BHA reserves 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 BHA 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 BHA might apply to information being released and these include:

- Information already reasonably accessible
- Information intended for future publication
- Research information
- Security bodies and national security
- Prejudice to defence, effectiveness of the armed forces, internal relations, relations between the UK government, the Scottish Executive, the Welsh Assembly and the Northern Ireland Executive, the economy, or the financial interests of the UK, Scottish, Welsh or Northern Irish administrations
- Investigations and prejudice to law enforcement
- Court records, etc.
- Prejudice to audit functions
- Parliamentary privilege
- Government policy and prejudice to the effective conduct of public affairs
- Communications with the royal family and the granting of honours
- Endangering health and safety
- Environmental information
- Personal information of the requestor
- Personal information (as defined in UK GDPR and DPA 2018)
- Confidentiality
- Legal professional privilege
- Trade secrets and prejudice to commercial interests
- Prohibitions on disclosure

9. Complaints

Anyone who has made a request for information to BHA under the FOIA is entitled to request an internal review if they are unhappy with the way their request has been handled.

Internal reviews will be carried out by a senior member of staff who was not involved with the original decision.

A request for review may be about:

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

BHA may ask the applicant for clarification of the grounds of their complaint if the grounds are not clear.

A request for an internal review should be sent to the contact details set out below.

An internal review will consider whether or not the request was handled appropriately, in line with the requirements of the FOIA. Applicants wishing to ask for an internal review must do so within 40 working days of the date of BHA's final response to their request.

BHA 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, BHA 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 Information Commissioner's Office.

10. Policy Review

This policy will be reviewed every 2 years or when required, by the Data Protection Officer, to address any weakness in the procedure or changes in legislation or best practice.