



## FOI and EIR Policy

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<b>Owner:</b>	John Rankin	<b>Job Title:</b>	Head of Q&C
<b>To be issued to:</b>		Board of Management ARK Management All Staff	
<b>Method of Delivery:</b>		Training/ LearnPro/ Briefing Sheets	

### Version Control

Date	Owner	Version	Reason for Change
Sep 2019	John Rankin	1.0	New Policy to support ARK to meet the requirements of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

### Summary of Changes

Section	Change
Entire Policy	New Policy based on SFHA Model Policy.

# FOI and EIR Policy

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## 1.0 ARKs Values

Our organisational values are the basis for everything that we do, from providing housing, care and support to tenants and people who use our services to ensuring that staff have clear standards of performance set. ARK believes that everyone should have the opportunity to lead a happy, healthy and safe life. We value:

- The worth of each person;
- Trusting relationships;
- Understanding difference;
- Challenging oppression;
- Personal and organisational accountability;
- Caring for our physical environment; and
- Enjoyment.

## 2.0 Purpose

The purpose of this policy is to confirm our commitment to meeting the requirements of the Freedom of Information (Scotland) Act 2002 ('FOISA') and the Environmental Information (Scotland) Regulations 2004 ('EIR'), and to set out the measures that we will put in place to ensure compliance with FOISA and EIR.

## 3.0 Policy Statement

FOISA and 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').

From 11 November 2019 ARK Housing Association Ltd ('ARK') will be designated as a Scottish Public Authority and we will make information available in accordance with FOISA and EIR.

ARK is committed to the underlying principles of openness and transparency underpinning FOISA and EIR, and complying fully with their requirements. To that end we will put in place measures to ensure that we comply with FOISA and EIR, and in particular we will ensure that we:

- 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 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.

## 4.0 Scope

All Board of Management Members and employees are required to abide by this policy.

## 5.0 Legal/Regulatory Framework

It is a legal requirement that we act in accordance with FOI and EIR, and other relevant legislation.

The relevant legislation in relation to FOI and EIR is:

- The Freedom of Information (Scotland) Act 2002;
- The Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019, the statutory instrument which designates Registered Social Landlords such as ARK as public authorities; and
- The Environmental Information (Scotland) Regulations 2004.

## 6.0 Responsibilities

### 6.1 Board of Management

ARK's Board of Management is responsible for consideration and approval of this policy.

### 6.2 Executive Team

ARK's Executive Team is responsible for ensuring that this policy is reviewed in accordance with ARK's schedule for review of policies, or sooner if required, and for any further responsibilities as are set out in the FOI and EIR Procedure (G56) which supports this Policy.

### 6.3 Senior Leadership Team

ARK's Senior Leadership Team is responsible for review of the policy, and for ensuring that relevant measures are put in place in order to implement its requirements, and for any further responsibilities as are set out in the FOI and EIR Procedure which supports this Policy.

### 6.4 Managers

ARK Managers will be responsible for the effective implementation of this policy, and the FOI and EIR Procedure which supports it, within their area of responsibility. They must also ensure that each member of their staff, through induction and e-learning, is made aware of this policy and participates in relevant training.

### 6.5 All Staff

All ARK employees are required to familiarise themselves with this policy, and the FOI and EIR Procedure which supports it, to the extent that these are relevant to their job role, via relevant training, and to comply with their provisions.

### 6.6 Third Parties

ARK will ensure that relevant third parties are familiar with the terms of this policy, and associated duties, as necessary.

## 7.0 Related Policies & Procedures

This policy should be read in accordance with ARK's FOI and EIR Procedure (G56).

## 8.0 Equality Impact Assessment (EIA)

No potential equalities issues have been identified in relation to the development of this policy, and consequently an EIA has not been completed.

## 9.0 Data Protection Impact Assessment (DPIA)

A DPIA has been completed in relation to the development of this policy, and is attached.

## 10.0 Stakeholder Consultation

In developing this policy the following groups were consulted:

- ARK Board of Management;
- ARK Executive Team; and
- ARK Senior Leadership Team.

## 11.0 Monitoring and Review

### 11.1 Monitoring

ARK's Executive and Senior Leadership Teams will monitor implementation of this policy on an ongoing basis.

### 11.2 Review

This policy will be reviewed within 3 years from the date of approval by our Board of Management, in accordance with ARK's policy review framework.