

Freedom of Information and Environmental Information Regulations Policy

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| Approved by P&PRG: | July 2023 | Approved by BoM: | August 2023 |
| Owner: | Michaela Loughlin | Job Title: | Head of Compliance & Improvement |
| To be issued to: | | Board of Management Ark Management All Staff | |
| Method of Delivery: | | Email Policy LearnPro Policy Briefing Sheet | |

Version Control

| Date | Owner | Version | Reason for Change |
|---------|---------------|---------|-------------------|
| July-23 | David Boucher | 2.0 | Cyclical review |
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Summary of Changes

| Section | Change |
|----------------|--|
| Whole document | ARK to Ark |
| 3 | Wording revised |
| 6 & 11 | SLT changed to OMT |
| Title | Changed to full title instead of FOI & EIR |

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1.0 Ark's Values

Ark's values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships and our customers will feel assured that they can rely on us to deliver.

Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

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. From 2019 Ark has been designated as a Scottish Public Authority and as such we are required to 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, 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 the Scottish Information Commissioner;
- 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 and Guide to Information;
- 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 in accordance with the exceptions presented in the Freedom of Information (Scotland) Act 2002 ('FOISA') and the Environmental Information (Scotland) Regulations 2004 ('EIR') and if the information is withheld the applicant will always be informed of the reasons why it will not be released.

4.0 Scope

This policy relates to all of our dealings with the following groups:

- Tenants and supported people;
- Applicants who wish to access and use Ark services;
- All staff, including agency and/or relief staff, and applicants for employment;
- Ark Board Members;
- Members of the public;
- All organisations whom we engage with in the course of our work, both local & national;
- All commercial contacts.

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 Operational Management Team

Ark's Operational Management 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 (G35a).

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)

No potential high risk data protection implications have been identified in relation to the development of this policy and consequently a DPIA has not been completed.

10.0 Stakeholder Consultation

This is a policy update in line with Ark's renewal schedule. No stakeholder consultation has been required.

11.0 Monitoring and Review

11.1 Monitoring

Ark's Executive and Operational Management 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 or earlier if legislative or other changes necessitate this