



Freedom of Information Process

1. Receiving requests for information

- 1.1. Any member of Maryhill Housing's staff might receive requests for information during a normal working day. If they are asked for straightforward, widely available information, they should go ahead and provide this to our customers as they normally would. There is no need for 'business as usual' requests to go through the formal Freedom of Information (FOI) Process, as this will take longer. Examples of straightforward requests might include a new applicant asking for details of where our properties are and how many we have, or a current tenant asking for an update on the Investment Programme.
- 1.2. We now also publish a Guide to Information on our website that includes links to all of our published information, covering everything that the model FOI guidance says we should publish. This should provide a lot of what our customers may request from us. Therefore all staff should also know where to find this Guide and be able to refer customers to it. The Guide can be accessed via the following link:
www.maryhill.org.uk/about-us/freedom-of-information
- 1.3. When a request is received that is not covered by the Guide to Information, or where the staff member is unsure about a request, this is when it would be dealt with under the formal FOI Process. It is important to remember that the person making the request does not have to mention Freedom of Information themselves.
- 1.4. FOI requests must be made in writing, so if a member of staff is talking to the person making the request they should assist them to note in writing what it is they are asking for. The requester must describe clearly what information they are looking for, but they do not have to tell us why.
- 1.5. The requester must also provide their real name and an address for correspondence. This can be an email or postal address - staff should try to get an email address wherever possible as this makes responding more straightforward and avoids any fees for printing costs.
- 1.6. All details of the request should then immediately be passed to the Performance & Governance Manager via the following email address: foi@maryhill.org.uk, noting when they were originally received. The deadline for dealing with FOI requests is 20 working days maximum from the day it was received in writing (this 20 working days is split down stage by stage below, for guidance).

2. Logging FOI requests – days 1-2

- 2.1. On receiving an information request, the Performance & Governance Manager will:
- Evaluate the request and identify which legislation it will be processed under. Is it:
 - Freedom of Information (Scotland) Act (FOISA).
 - Environmental Information Regulations (EIRs).
 - Data Protection Act (DPA).
 - Log the request in the [Freedom of Information Request Register](#), and add a diary note to SDM if the requester is a customer.
 - Send an acknowledgement letter confirming receipt of the request, and the legislation under which it will be processed or seek further clarification.

3. Seeking clarification – days 2-3

- 3.1. The Performance & Governance Manager will ensure that the request is clear. If there is any lack of clarity the person making the request will be contacted to discuss what they are looking for and to agree the scope of the information that will be provided.
- 3.2. When clarification is sought, the clock will stop on the request until it is received.

4. Assessing the request – days 3-4

- 4.1. The Performance & Governance Manager will next assess if the information requested should be disclosed or whether an exemption applies. This assessment will be carried out in line with the Scottish Information Commissioner's guidance on exemptions: www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/Briefings.aspx
- If all or part of the information should be disclosed the FOI Process will proceed.
 - In the interest of being open we may disclose information that is not strictly covered by the FOI legislation – this judgement will be made by the Performance & Governance Manager.
 - If the information is subject to an exemption a written response will be sent to the requester detailing why the information will not be provided and how to appeal this decision.
- 4.2. The Performance & Governance Manager will also determine if we hold the information and if it is already accessible.
- If we do not hold the information a written response will be sent to the requester informing them that the information is not held.
 - If the information is held but is already published (by ourselves or another organisation) then a written response will be sent to the requester informing them of where to find this information.
 - If the information is held and has not been published the FOI Process will proceed.

5. Assigning requests – days 4-6

- 5.1. The Performance & Governance Manager will determine which team(s) will be best placed to help provide the information that has been requested. An email detailing what is required will then be sent to the team manager, with a clear deadline for response.
- 5.2. The team manager should reply to confirm they have understood the request and to estimate the time they will require, flagging up any concerns about the given deadline.
- 5.3. At this point the assessment described at section 4 above may be re-visited, as the team manager will have additional knowledge of the subject area of the request.
- 5.4. In consultation with the team manager, the Performance & Governance Manager will determine if any fees will be applicable, as set out in our Guide to Information. The requester will be advised at this point of any fees that will be applied and may decide to withdraw their request, however the clock does not stop while they decide this so the FOI Process must proceed in the meantime.
- 5.5. The Performance & Governance Manager will also determine whether the cost of the request actually prohibits the request from proceeding (if it is over £600) as per the exemptions guidance.

6. Locating the requested information – days 6-14

- 6.1. The team manager will lead on locating and collating the information needed to respond to the FOI request, with the Performance & Governance Manager providing advice and assistance as required.
- 6.2. Once all the information has been collated this should be sent to the Performance & Governance Manager electronically, with the covering email explaining each bit of information that is included and how they relate to the original request.

7. Collating the written response – days 14-18

- 7.1. The Performance & Governance Manager will review all of the information that has been collated and prepare the response email / letter. This may include further discussion with the relevant team manager to clarify what has been provided or to request anything that is missing.

8. Issuing the response – days 18-20

- 8.1. Once the response is ready it may be reviewed by one of the Directors if it was a complex request or there are any exemptions being used.

- 8.2. The written response will then also be reviewed by the Corporate Officer (Communications & Events) as a final quality check before sending.
- 8.3. The full response will then be issued to the requester, preferably via email or by letter if an email address is not provided. Our response will provide information on what the requester can do next if they are unhappy with our response.

9. Responding to Requests for Review

- 9.1. Where someone has requested information from us and:
 - We have failed to respond to the request within the 20 working day deadline; or
 - the person requesting the information is unhappy with the response to the request (for example where information has been withheld under one of the exemptions)they have the right to request that we review the response to their request to determine whether or not FOI legislation has been properly followed.
- 9.2. All such reviews will be carried out by the Chief Executive or a Director. They must be made in writing by the requester, stating their name and correspondence address.
- 9.3. If the Chief Executive completes their review and determines that our original response to the request is not in accordance with FOI legislation, we will take immediate steps to rectify this (for example by releasing information that was previously withheld).
- 9.4. If the Chief Executive completes their review and determines that our original response to the request is in accordance with FOI legislation, we will notify the individual who asked for a review as quickly as possible.
- 9.5. All responses must be issued within 20 working days of receiving the Request for Review.
- 9.6. Where an individual is unhappy with the response to their review request they may appeal to the Scottish Information Commissioner. Our response to their review will include details of how to do this.